

# ANTI-SLAVERY REPORTER

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### THE ADMIRALTY CIRCULAR ON FUGITIVE SLAVES.

ON the 31st of July, the Lords of the Admiralty issued the new and now famous instructions to Commanding Officers of H.M. ships of war—which startled and roused the people of these islands into intense indignation. It seemed as if the attitude of Great Britain towards slavery was suddenly changed; as if a pro-slavery spirit was, in some way, finding influence and expression in the British Cabinet. And the fact that, though issued ten days before the prorogation of Parliament, not a hint of these instructions was dropped before our senators were scattered over the world, gave, at least, an accidental appearance of designed concealment. Moreover, the wording of the new regulations is so unhappy, so loose and confusing, that it suggested the inquiry whether this might not only be the first act of retrograde counsels. The committee of the Anti-Slavery Society took immediate action, by presenting a Memorial to the Admiralty, regretting that such instructions had been issued; submitting “that these instructions constitute the entire abandonment of that noble and honourable policy which has distinguished Great Britain for more than one hundred years;” “that they afford a moral support,

and give the direct sanction of this country to slavery;” and “urging upon the Lords Commissioners the immediate repeal of these obnoxious regulations.”

The Lords Commissioners acknowledged their receipt of the Memorial, and stated that a copy has been forwarded to the Foreign Office. Probably some question had reached the Foreign Office from a naval officer, ignorant of his duty towards fugitive slaves. No motive can justify these orders, so dishonouring both to the brave officers and seamen required to obey them, and to the nation who has scrupled at no sacrifice of blood and treasure in order to destroy the accursed system of slavery. We shall endeavour to give an analysis of these instructions, call serious attention to the language employed by Lord Derby, in announcing their suspension, at Liverpool, and give some illustrations of the public opinion of this country as expressed in the press, and at public meetings. The Circular had touched the honour, and woke the conscience and latent patriotism of the people; and sentiments were uttered all over England, which find their best expression in the indignant language of Lord Brougham, uttered in a noble speech delivered by him in the House of Commons on July 13th, 1830, when he was pleading the cause of the slaves in our own colonies:

—"Tell me not of rights—talk not of the property of the planter in his slaves. I deny the right—I acknowledge not the property. The principles, the feelings of our common nature, rise in rebellion against it. Be the appeal made to the understanding, or to the heart, the sentence is the same that rejects it. In vain you tell me of laws that sanction such a claim. There is a law above all the enactments of human codes—the same throughout the world—the same in all times—such as it was before the daring genius of Columbus pierced the night of ages, and opened to the world the sources of power, wealth, and knowledge; to another all unutterable woes;—such it is at this day: it is the law written by the finger of God in the heart of man. And by that law, unchangable and eternal, while men despise fraud, and loathe rapine, and abhor blood, they will reject with indignation the wild and guilty phantasy that man can hold property in man. In vain do you appeal to treaties, to covenants between nations; the covenants of the Almighty, whether the old covenant or the new, denounce such unholy pretensions."

#### RECEPTION OF FUGITIVE SLAVES ON BOARD H. M.'s SHIPS.

THE Lords Commissioners of the Admiralty have been pleased to issue the following instructions with reference to the question, how far officers in command of Her Majesty's ships are justified in receiving on board fugitive slaves, who, escaping from their masters, may claim the protection of the British flag:—

1. Cases of this kind may be divided into three classes: where slaves come on board a ship or boat in harbour, or within territorial waters, either to escape from the alleged cruelty of their masters, or to avoid the consequence of their misdeeds; where the British ship or boat is on the high seas, and the refugee slave—escaping, perhaps, from a vessel also at sea—would be in danger of losing his life were he not received on board; where a person has been detained on shore in a state of slavery, and, escaping to a British ship or boat, claims British protection on the ground that he has been so detained contrary to treaties existing between Great Britain and the country from the shores of which he escapes, as in the case of territories which, like Oman, Madagascar, and Johanna, are partially free.

2. The broad rule to be observed is, that a fugitive slave should not be permanently received on board any description of ship under the British flag, unless his life would

be endangered if he were not allowed to come on board. The reason for this rule is that, were it otherwise, the practical result would be, in the first instance, to encourage and assist a breach of the law of the country; and, next, to protect the person breaking that law. And a contrary rule would lead to endless disputes and difficulties with the legal masters of slaves; for it might happen—to take an extreme instance—that the whole slave portion of the crews of vessels engaged in the pearl fishery in the Persian Gulf might take refuge on board British ships, and, if free there, their masters would be entirely ruined, and the mistrust and hatred caused in their minds would be greatly prejudicial to British interests.

3. Such being the general and broad rule, it remains to apply it, as far as possible, to the three classes of cases mentioned above. In the first class, the slave must not be allowed to remain on board after it has been proved to the satisfaction of the officer in command that he is legally a slave. In the second, the slave should be retained on board on the ground that on the high seas the British vessel is a part of the dominions of the Queen, but when the vessel returns within the territorial limits of the country from a vessel of which the slave has escaped, he will be liable to be surrendered on demand being made, supported by necessary proofs. In the third class, a negro might claim protection on the ground that being by the terms of a treaty free, he was nevertheless being detained as a slave. It would then become the duty of the commanding officer to satisfy himself as to the truth of this statement, and to be guided in his subsequent proceedings in regard to such person by the result of his inquiries, and the law which would then affect the case. Those interested in maintaining the slavery of the person claiming his freedom should assist at the inquiry, and in the event of his claim being established, the local authorities should be requested to take steps to ensure his not relapsing into slavery.

4. As a general principle, care should be taken that slaves are not misled into the belief that they will find their liberty by getting under the British Flag afloat, or induced by the presence of a British ship to leave their own ships, if at sea, or their employment, if on shore.

5. When surrendering fugitive slaves, commanding officers should exercise their discretion in endeavouring, according to the circumstances of each case, to obtain an assurance that the slaves will not be treated with undue severity.

6. A special report is to be made of every

case of a fugitive slave seeking refuge on board one of Her Majesty's ships.

7. The above instructions are also to be considered part of the general Slave-Trade instructions, and to be inserted at page 29 of that volume, with a heading of "Receipt of Fugitive Slaves."

The following memorial was forwarded to the Admiralty:—

TO THE LORDS OF THE ADMIRALTY.

The members of the British and Foreign Anti-Slavery Society respectfully beg to convey to your Lordships the expression of their profound regret that certain instructions have been issued, requiring naval officers to surrender fugitive slaves to their masters.

They submit that these instructions constitute the entire abandonment of that noble and honourable policy, which has distinguished Great Britain for more than a hundred years.

Ever since the decision in the case of the slave Somerset, nobly defended by Granville Sharp in 1772, it has always been held that a slave on British soil, or on board a British vessel of war, was absolutely free, and the property of no man.

This is the cherished opinion of the people of this country, and we should feel alarmed for the cause of humanity, could we believe they would ever consent to allow the settled policy of the nation to be reversed, and fugitive slaves once on board Her Majesty's ships to be ever delivered back to the grasp of the slave owner. "Thou shalt not deliver unto his master the servant who is escaped from his master unto thee," was the command of God under the Old Dispensation, and being in harmony with the spirit and principles of the New Testament, should be binding upon every Christian nation.

In addition to all the other objections to these instructions, we cannot shut our eyes to the fact that they afford a moral support and give the direct sanction of this country to slavery.

On all these grounds they therefore respectfully urge upon the Lords Commissioners the immediate repeal of these obnoxious regulations.

On behalf of the British and Foreign Anti-Slavery Society,

We are, very respectfully,

JOSEPH COOPER, }  
EDMUND STURGE, } *Hon. Secs.*  
ROBERT ALSOP, }  
AARON BUZACOTT, *Secretary.*

27, New Broad Street,  
20th September, 1875.

The following reply has been received from the Admiralty:—

ADMIRALTY, 25th September, 1875.

GENTLEMEN,—I am commanded by my Lords Commissioners of the Admiralty to acknowledge the receipt of the memorial from the British and Foreign Anti-Slavery Society, dated 20th instant, in regard to the reception of Fugitive Slaves in H. M.'s ships; and my Lords desire me to inform you that a copy of your memorial has been transmitted to the Secretary of State for Foreign Affairs.

I am, Gentlemen,  
Your obedient Servant,  
THOMAS WOLLEY.

To the Honorary Secretaries and  
Secretary of the British and  
Foreign Anti-Slavery Society,  
27, New Broad Street.

#### ANALYSIS OF THE NEW ADMIRALTY ORDER ON FUGITIVE SLAVES.

THE Lords Commissioners, in giving instructions to the officers in command of Her Majesty's ships, in reference to this question, *how far such officers are justified in receiving on board FUGITIVE slaves, who, escaping from their masters, may claim the protection of the British flag, begin by dividing the possible cases into three classes:*

FIRST CLASS.—"Where slaves come on board a ship or boat in territorial waters, either to escape from the alleged cruelty of their masters, or to avoid the consequence of their misdeeds."

*Instructions.* "In this (first) class, the slave must not be allowed to remain on board, after it has been proved to the satisfaction of the officer in command that he is LEGALLY a slave."

*Observations.*—In territorial waters belonging or claimed to belong to a slaveholding nation, it is assumed that the English law is suspended on the deck of Her Majesty's ships of war in relation to fugitive slaves. The laws of the slave-state come into operation. The officer in command is appointed a judge of the evidence produced by the person claiming the fugitive,—and thus, by the introduction of the slave-state law on an English ship, it becomes possible to prove that the fugitive is a "legal" slave; English officers are required to recognise the *legality* of slavery, and ordered to deliver up the fugitive to his tormentors. By this means property in slaves is protected, since the principal door to freedom is slammed in the face of the fugitive. Is not this affording a *physical* as well as a *moral* support to slavery?



Do not such instructions give the *direct sanction of this country to slavery*? A course in positive and flagrant opposition to the spirit, and policy, and action of the British nation.

SECOND CLASS.—Fugitive slaves coming on board Her Majesty's ships on the high seas.

"Where the British ship or boat is on the high seas, and the refugee slave—escaping, perhaps, from a vessel also at sea—would be in danger of losing his life, were he not received on board."

*Instructions.*—"In the second (class), the slave should be retained on board, on the ground that, on the high seas, the British vessel is a part of the dominions of the Queen; but when the vessel returns within the territorial limits of the country from a vessel of which the slave has escaped, he will be liable to be surrendered on demand being made, supported by necessary proofs."

*Observations.*—That a slave escaping on board Her Majesty's ships on the high seas may be received, and is, on an English deck, *free*,—has been long since decided, by Judges Best and Holroyd (in *Forbes versus Cochrane*); but on the ground that the slaves had got on board on the high seas, and not in territorial waters. The judgment would imply that, at that date, fugitive slaves getting on board a British ship of war, in territorial waters, might be liable to surrender;—but this is not stated, and it is probable that the latter clause of the Admiralty Order, in the sentence quoted above, may be founded upon the principle laid down, that slavery is a local law, and "must be co-extensive with the country." Still the new order gives a different application to the principle. In this second class, the fugitives are supposed to have got on board on the high seas,—and so become free. Having gained this freedom, should the ship return to the territorial waters of the slave State from which or from whose ship the fugitive had escaped, then this free man is liable to surrender. Is this the actual state of the law? It seems absolutely incredible that a fugitive once free, by English law, should on an English deck be liable to surrender. And it is revolting that a British officer should be the agent in such surrender. It is distressing to see men in bondage and not be able to deliver them,—but to hand over a free man into slavery, is intolerable, and, issued as an Admiralty Order, is equivalent to hauling down the British flag in deference and obedience to slavery—a course which will meet and deserve the execration of the whole British Empire.

THIRD CLASS.—Fugitives claiming British protection on the ground of *illegal bondage*.

"When a person has been detained on shore in a state of slavery, and, escaping to a British ship or boat, claims British protection on the ground that he has been so detained contrary to treaties existing between Great Britain and the country from the shores of which he escapes, as in the case of territories, which, like Oman, Madagascar, and Johanna, are partially free."

*Instructions.*—"In the third class, a negro might claim protection on the ground that, being by the terms of a treaty free, he was nevertheless being detained as a slave. It would then become the duty of the commanding officer to satisfy himself as to the truth of this statement, and to be guided in his subsequent proceedings in regard to such person by the result of his inquiries, and the law which would then affect the case. Those interested in maintaining the slavery of the person claiming his freedom should assist at the inquiry, and in the event of his claim being established, the local authorities should be requested to take steps to ensure his not relapsing into slavery."

*Observations.*—These instructions amount only to this,—that British officers must assist in enforcing the due observance of treaties—and yet under circumstances which cannot guarantee any satisfactory result. For, in defiance of treaty, the fugitive has been kept in a state of slavery. Rather than appeal to local law, the fugitive claims British protection. His right to freedom is supposed to be established; and the only thing to be done to defend his freedom, is to "request the local authorities," who had suffered him to be detained in slavery contrary to treaty, to take steps to ensure his not relapsing into slavery.

The instructions given in the three classes of possible cases, are said to be founded on a "general principle," which in practical application takes the form of a "broad rule."

The *General Principle* is, "That care should be taken that slaves are not misled into the belief that they will find their liberty by getting under the British flag afloat, or induced by the presence of a British ship to leave their own ships, if at sea, or their employment, if on shore."

The *Broad Rule* is, "That a fugitive slave should not be permanently received on board any description of ship under the British flag, unless his life would be endangered if he were not allowed to come on board."

And the *Reason* given for this broad rule is, "That, were it otherwise, the practical result would be, in the first instance, to encourage and assist a breach of the law of the country; and, next, to protect



the person breaking that law. And a contrary rule would lead to endless disputes and difficulties with the legal masters of slaves; for it might happen—to take an extreme instance—that the slave portion of the crews of vessels engaged in the Pearl fishery in the Persian Gulf might take refuge on board British ships, and, if free there, their masters would be entirely ruined, and the mistrust and hatred caused in their minds would be greatly prejudicial to British interests.”

*Observations.* The general principle is a very remarkable one. It looks so very innocent and prudent, and politic. Of course, Her Majesty's ships are not to encourage insurrection wherever they go; but who ever imagined that our officers would tempt slaves to escape? If the slaves had heard that an English deck was a part of English territory, and so gave freedom to the fugitive slave, are English officers to take care to disabuse the minds of these slaves? and assure them that the English Government does not interfere with the holding of “property in man,” and will by no means assist such “property” to escape? Once, indeed, England did pay £20,000,000 to destroy slavery throughout the empire, and often has gone almost to the risk of war, in order to free the enslaved, but a new spirit has now come over the nation. Care is now to be taken of all vested interests, and of the “property-in-man” interest as well as of any other.

The *Broad Rule* teaches that only when *life is endangered* should a fugitive slave be permanently received on board. Our officers are not to stand with folded hands, idly seeing fugitive slaves drown, or butchered by their masters. When life is endangered they may *permanently* be received on board. Yet this may violate the territorial law,—the slave-law, in whose interest these new regulations are issued. What other objects can they achieve? The reasons need not detain us, for when England gives absolute protection to *political* refugees, who may have sought to overthrow the Government of their country, and often has risked war in defence of this right, it is not to be endured that we should not retain the right of freedom on an English ship of war in any seas, if that has ever been ours; and if it has not, then the sooner we claim and keep it, the better for our national honour, the better for the sake of the noblest traditions of freedom bequeathed to us by our fathers, and the better for the sake of humankind. The absurdity and mischievousness of the present position is shown by the following concluding sentence in this “famous circular,”—“When surrendering fugitive slaves, commanding officers should exercise their

discretion in endeavouring, according to the circumstances of each case, to obtain an assurance that the slaves will not be treated with undue severity.”

Every “Legree” would give the assurance, and before the vessel was out of sight torture to death the unhappy victim of conservative care of vested interests.

It is only needful to add, that “A special report is to be made of every case of a fugitive slave seeking refuge on board one of Her Majesty's ships.”

“The above instructions are also to be considered part of the General Slave-Trade Instructions, and to be inserted at page 29 of that volume, with a heading of ‘Receipt of Fugitive Slaves.’”

#### PUBLIC OPINION ON THE ADMIRALTY QUESTION.

*The Times*, Sept. 20.

“More than a century ago a momentous case was decided in the Court of King's Bench. Lord Mansfield, the greatest of English common lawyers, ‘after some delay and with evident reluctance,’ pronounced in favour of the release, on *habeas corpus*, of a Negro slave, James Somersett, whose forcible detention in a British vessel had been defended on the ground that he had refused to return to his servitude, and had been placed in custody by his master. Every moral and intellectual instinct of Lord Mansfield's character was Conservative; his sympathies, as readers of ‘Junius’ will readily believe, were not easily aroused by sentimental appeals to Liberal principles, and he had no disposition to disturb a single one of the established safeguards of order or property. Yet, when the case had been fully argued, most admirably and exhaustively, on the side of the slave, by Mr. Hargrave, Lord Mansfield was unable to find that there was any justification in the law of England for the surrender of a slave to his master. ‘The state of slavery,’ said the Chief Justice, ‘is of such a nature that it is incapable of being introduced by any reasons, moral or political, but only by positive law.’ This blow at the right of property in slaves was followed by the suppression of the slave-trade, the extinction of slavery under the British flag, and the ardent preaching of Anti-Slavery doctrines all over the world by Englishmen. The breach effected in the slave system by Lord Mansfield's judgment was widened by later definitions of the law and by repeated and emphatic declarations of the policy of this country. The annals of the British Navy are enriched with the record of many a gallant deed done to stamp out the horrors

of the 'Middle Passage' traffic, and to restore its victims to liberty. The tribute which we have paid to humanity in the lives and labours of thousands of noble English sailors of every degree, who have fought against slavery, and the vile commerce it develops in pestilential climates and among incalculable treasons, is a more splendid proof of our earnestness for human freedom than the millions we paid to the West Indian planters. It is not at the Admiralty that even a shadow of doubt as to the character of the relations between England and slavery ought to show itself.

"Unfortunately, there is evidence either of a perplexing mental confusion, or of an ambiguity of expression not less bewildering in the Circular lately issued by the Lords of the Admiralty to the Commanders of Her Majesty's ships. This document is apparently intended to be explanatory of, and supplementary to, the 'General Slave Instructions,' but it unsettles what were regarded by most Englishmen as settled points of practice in a manner which can only be excused on the score of inadvertence. At an agricultural dinner at Thame, of which the proceedings were reported by us on Saturday, an allusion was made by one of the guests, Lieutenant Bacon, to this Circular, and Lieutenant Bacon's warm expression of hope that the Orders of the Admiralty may be at once rescinded, undoubtedly coincides with the general feeling of the country. Mr. Henley, who was present, and was compelled to touch upon the 'burning question,' as he called it, which Lieutenant Bacon had raised, had no explanation to offer on behalf of his official friends; he rather awkwardly pleaded that, as we did not understand all the 'varieties of circumstances' in which our ships of war might be placed, we could not 'come to any definite conclusion' whether the Order of the Admiralty would make any difference in the existing law—and, we suppose, practice—or not. Mr. Henley 'hopes it will not;' but he admits that 'it is a matter on which people feel strongly from the fear that it may do so.' This state of mental haziness is not a condition in which we can be content to leave our minds on such a subject. The Circular, though only dated the 31st of July, has already been widely circulated and discussed, and we may be sure that, if it be taken as the last word England has to say about her relations with Slavery, it will powerfully affect the attitude of the half-civilised nations of the world towards the trade in human flesh that we have laboured at so great cost to eradicate. The terms of this document should, therefore, be attentively studied. The officers of the Navy are first of all warned 'that, as a general

principle, slaves should not be misled into the belief that they will find their liberty by getting under the British flag, or induced by the presence of a British ship, to leave their own ships if at sea, or their employment if on shore.' If slaves have been thus deluded in times past, it is a delusion they have shared with nearly all Englishmen, and especially we think with the commanders of English ships.

"For the future, however, a broad rule is laid down, and carefully applied to all the various situations in which a British captain may have to decide whether, like the law of England, he shall 'lean to the side of liberty.' It is declared that 'a fugitive slave should not be permanently received on board any description of ship under the British flag unless his life would be endangered if he were not allowed to come on board;' for 'were it otherwise, the practical result would be, in the first instance, to encourage and assist a breach of the law of the country, and next to protect the person breaking that law;' moreover, 'mistrust and hatred greatly prejudicial to British interests' might be generated in the minds of the slave-masters. A slave who exposes himself to death by drowning in his ungoverned passion for liberty may, indeed, actually be rescued, without grave impropriety, by the crew of an English ship. But this does not conclude the question. An English ship is English ground; it is, according to the well-known judgment of Mr. Justice Holroyd in a fugitive slave case, 'a floating island, subject to the English laws alone;' and Lord Mansfield long ago settled in *Somerset's* case that the law of England gave no one a right to detain and coerce a slave for the purpose of returning him to his master. The Admiralty, however, are of opinion that a different rule must be applied from that which English tribunals have laid down to the case of slaves—rescued, be it remembered, only because they were in imminent danger of death—who have been received on board British vessels of war. In foreign harbours or territorial waters 'the slave must not be allowed to remain on board after it has been proved to the satisfaction of the officer in command that he is legally a slave.' On the high seas the fugitive escaping from a vessel belonging to a slave-holding country may indeed be received—it is probable that he must be if the spirit of the 'broad rule' is to be observed, for his life will certainly be in peril; but, it is added, 'when the vessel returns within the territorial limits of a country from a vessel of which the slave has escaped he will be liable to be surrendered on demand being made, supported by necessary proofs.' Such

is the measure of security experienced by the slave who, relying on the doctrine that a British ship is a 'floating island,' and that British law does not recognise slavery as a status, may be tempted to take refuge under the British flag.

"It is unsatisfactory to find that the Lords of the Admiralty are so loose in their notions of the rights which belong to British ships; for International Law is so essentially a balance of reciprocal concessions that disabling precedents granted through mere weakness or ignorance may have the most ruinous consequences to a great naval and commercial power like England. The Circular seems to give up the principle of the territoriality of public ships. It is true that the first application of the 'broad rule' laid down, though seemingly involving a hardship, is technically justifiable, and is probably warranted also by a larger and more liberal prudence. The exemption from territorial jurisdiction accorded to a public ship in foreign waters is a matter of international comity, and if it were used to assert rights or theories inconsistent with the institutions of the State exercising sovereignty in these waters, it might be properly set aside—as was done, in fact, by the French Court of Cassation in 1832. We must be chary of exerting a right which is thus liable to be disputed, and we freely recognise the abundant embarrassments which may be caused by an exodus of slaves to an English ship moored in a harbour where slavery is legalised. Everything, no doubt, should be done to prevent this sort of appeal to English liberties, but even in such a case, when a slave has once set his foot on a deck covered by the English flag, we are bound to stand by our principles, leaving to the foreign Power the remedy of refusing to us the customary comity of nations, on the ground that we have abused the concession. *Noblesse oblige*; an English man-of-war is English territory even in a foreign harbour, and we are bound to claim on board all the liberties that English law concedes. But, whatever doubt may exist as to the prudence of asserting territorial privileges to their fullest extent in the case of English vessels in foreign waters, there can be no question of our obligation to uphold those principles in the case of Her Majesty's ships on the high seas. There every vessel under the English flag is, to use once more the forcible metaphor of Mr. Justice Holroyd, 'a floating island;' and the reception on board of a Slave destroys, according to all the *dicta* of our tribunals, the quality of servitude. Lord Stowell, in the celebrated case of the slave Grace, decided that slavery ceased in England, but that the *status* might be re-

vived by the slave's voluntary return to servitude in a country where slavery was legal. This decision, though restrictive of liberty, and in contradiction with some of the loose rhetoric which has been talked about the subject, involves a condemnation of the rule imposed by the Admiralty in the Circular of the 31st of July. If a slave escapes and takes refuge on board a British ship on the high seas, he comes under the principles laid down by Lord Mansfield, and is a free man. By no subsequent transaction, except his recapture and removal from British jurisdiction, is his *status* as a slave revived. The Admiralty instructions insist that he must be given up to the local authorities if the British vessel returns to the territorial waters of the slave-holding country, on the 'necessary proof' being given of the escaped slave's identity. But no such proof can be given, for he has ceased, according to the hypothesis, to be a slave—unless, indeed, the evidence be made by putting the unfortunate wretch ashore and reviving his *status* by restoring him to his master. This, we are convinced, the Admiralty did not intend to suggest; but to this absurd and ignominious conclusion we are driven by the 'broad rules' and 'general principles' laid down in the Circular. Lest such unanticipated inferences should do more damage than is at present calculable, the ill-considered instructions had better be rescinded without delay."

*The Solicitors' Journal*, Sept. 25, 1875.

"If the orders lately issued by the Admiralty to the commanders of her Majesty's ships (of which we have not been able to procure an authentic copy) are correctly stated in the daily papers, they appear to amount to nothing less than instructions to the officers of Her Majesty's service to assist the inhabitants of slave-owning countries in the recapture of escaped slaves. The fugitive slave who seeks to take refuge under the British flag is not to be repelled from alongside, if the circumstances are such that the interest of the slave owner in his property is likely to be endangered by drowning; but having received the fugitive on board, although on the high seas, the commander of the vessel is, upon arrival 'within the territorial limits' of the country from 'a vessel of which' the slave escaped, to surrender him, on a demand being made accompanied with the necessary proofs. One who should hand over a person to another, for the purpose of his being killed, or robbed, or imprisoned by that other, would certainly be reckoned a principal in the resulting felony or trespass. Now the fugitive, being on board that British ship, though certainly



without any right to remain in that place, is yet a free man, entitled to all the civil rights of a stranger residing in England, and not subject to extradition for any criminal offence. Yet the commander of the ship is instructed to co-operate in committing a trespass upon and imprisoning this foreigner now on British territory (for the public ship is such) not charged with any crime of which the English law takes cognizance, but guilty only of escaping from that violence the exercise of which English law, wherever it can operate freely, regards as itself a crime—he is to ‘surrender’ the fugitive ‘on demand being made supported by necessary proofs.’

“But he is only to surrender him, it seems, when he has escaped from a ‘vessel.’ Why this strange tenderness to slavery on board ship? In one direction at least it restricts and lessens the mischief; it surely cannot be intended in another direction to enhance it. No description seems to be given of what are ‘necessary proofs’; let us hope that no commander will find them sufficient. No statement is given as to the person by whom the ‘demand’ is to be made, whether by the State or the owner: let us hope for the honour of the English flag that the demand will never turn out to be made by the right person. But suppose the commander should by chance be one who is disposed to favour the ‘peculiar institution,’ what will be the test of the appropriate ‘demand,’ and of the ‘necessary proofs’? The fugitive is to be surrendered when the ship arrives within the territorial limits of the country ‘from a vessel of which the slave has escaped.’ The words are exactly and singularly appropriate to the case of a kidnapped man having escaped from a slaver in which he is being conveyed to his destination or market; and there is nothing in them to exclude the case of his having been kidnapped within Her Majesty’s dominions; for even the requirement that he shall be proved to be ‘legally a slave’ (whatever that mean) is wanting here. Such orders are certainly sufficient, and far more than sufficient, to correct the impression among slaves (so shocking to the Admiralty) that ‘they will find their liberty by getting under the British flag.’ The sooner they are recalled, the sooner we shall cease to inquire who was their learned and ingenious author, and how those who issued them have consented to become parties to a scheme which seems intended to contradict every tradition of British freedom, to surrender the honour of the national flag, and to reverse the policy of three-quarters of a century.”

*Liverpool Daily Post*, Sept. 22.

“Dr. Johnson, according to a venerable and familiar story, was asked by a lady how he came to put something in his dictionary which was undoubtedly wrong. He replied, ‘Sheer ignorance, madam.’ Mr. Ward Hunt might probably give a like answer with perfect truth if he were asked how he came to issue from the Admiralty orders respecting slaves which are at variance not merely with the feeling and policy, but with the actual law of England, as laid down for these hundred years past. There are English county gentlemen, who by habit, and instinct, and descent, attend to public affairs; but there are others who blunder into politics in a sort of accidental bucolic fashion. In the stress of the decayed Tory party’s fortunes, which was signalised by the Duke of Wellington’s celebrated inquiry, ‘Pakington, who’s he?’ some of these stolid and untrained gentlemen have been pushed into high office; and amongst these is the present First Lord of the Admiralty. His ideas were exceedingly clear when he first distinguished himself in the cause of the farmers, who looted the local rates in 1866 to relieve their losses by the cattle plague; but politics of any breadth or scope he has either to guess at or to get up as he goes along. Relying upon his Conservative instinct, and hardly conscious of Great Britain having ever taken any particular line as to the slave-trade, he has suffered a manifesto to proceed from the Admiralty—glorious as it has been made by many a victory over that demoniacal traffic—which coolly reverses the whole policy of the Navy and of the country, and makes Her Majesty’s ships of war accomplices in such horrors of slavery as still survive.

“Happily, they are few, but no one knows how they may multiply under the fostering protection of a Tory Navy conducted upon anti-Wilberforce principles, and it is evident that some cases at least occur in which a policy of encouragement, instead of hostility, may enable slave-traders to perpetrate injustice; otherwise Mr. Ward Hunt would never have had the temptation, or the occasion, to issue this objectionable Order. Nor must we forget that England has long given the cue on this subject to the whole civilised world, and that any change in her note might have serious consequences. That good old Tory, Sir Robert Harry Inglis—though, of course, poor Bæotian Mr. Ward Hunt knows nothing of such incidents—was one who contributed to present Lady Palmerston with a portrait of her husband, because he had always made remonstrance, protest, and force of arms against the slave-trade a recognised part of our foreign policy; and till now

Conservative Ministers have held faithfully to the same principle. Indeed, no one has ever thought of disturbing it until Mr. Ward Hunt thought fit, in his utter blankness of mind on the subject, to issue an order to naval captains, just as he might to a *posse* of rural policemen from a Northamptonshire bench, to the effect 'that, as a general principle, slaves should not be misled into the belief that they will find their liberty by getting under the British flag.' The belief into which the degenerate Admiralty of these happy-go-lucky Tory days is that anxious slaves should not be misled happens to be the solemnly declared law of England, as every National School boy knows from the story of Granville Sharp and the slave Somerset, whom in 1772 he placed under the shelter of the Court of King's Bench. But Mr. Hunt is ignorant of this, and of the long-continued maintenance of the principle by the Navy he unworthily, or at least incompetently, controls. He never heard the fine lines of Cowper :—

"Slaves cannot breath in England; if their  
lungs  
Receive our air that moment they are free :  
They touch our country and their shackles  
fall."

Or, if he heard them at his mother's knee, he has put them aside with 'Hickory, dickory, dock,' and other childish things as quite unworthy of the attention of a Minister of the Crown. Very little inquiry would have revealed to him that the inalienable liberty of any slave who touches British shore or deck is a common-place of our law-books.

"As late as 1853, in a case between Canada and the United States, appealed by Mr. Edwin James to the Court of Queen's Bench, even a slave who had committed murder was, on some technical ground connected with this sacred principle, set free, though no one could desire the liberation of such a man, so absolutely obligatory has the doctrine till now been held. No doubt by this time the First Lord of the Admiralty is considerably ashamed of himself for knowing nothing about it, and for flouting it in an official ukase; but we do not blame him. We rather attribute this folly and disgrace—for so it will be regarded abroad—to the wretched straits into which the Conservative party was brought by the break-up under Peel. From the forlorn condition into which their desertion of Peel, or his desertion of them threw them, they have never recovered. They have only been galvanised into half-stupid life by the shifty magician who has led them back to power. And though he knows everything, he has not the energy to teach his clumsy

coadjutors, or to correct their blunders, or to save them from committing themselves. Can no permanent official, dating from the days when competent Ministers managed our departments, proffer his services as coach to Her Majesty's advisers? Or can something else be done? Sir Richard Baggalay's ken is not supposed to extend much beyond Chancery Lane, and Sir John Holker probably never had to turn his giant mind to a slave case during his lucrative practice on the Northern Circuit. But Sir William Harcourt is unattached and very friendly. He is always ready to put anybody right, and though he may not be so great as the Solicitor-General with a jury, he has some knowledge of our Constitution and laws. Something ought to be done to prevent the multiplication of such puerile blunders as Mr. Disraeli's colleagues perpetrate the instant they are allowed to run alone. We have already commented on the only defence that has been offered—that of Mr. Henley. Were Parliament sitting, the immediate withdrawal of the obnoxious decree would have to be demanded by an Address to the Crown. Issued in the recess by a maladroit Minister, it ought to be abrogated before Parliament meets by that Minister's astute chief, who, with all his cleverness, cannot survive with any remnant of credit many more such gross *faux pas*."

*The Echo*, Oct. 1.

"A glimpse of light on the horizon succeeds to the storm raised by the Admiralty instructions respecting fugitive slaves. We have reason to hope that there is a chance of the rescission of the obnoxious orders. Recent correspondence between the Anti-Slavery Society and the Admiralty Department seems to indicate that the latter are not sure of their position. Either they quail before the force of the mandate, 'Thou shalt not deliver unto his master the servant who is escaped from his master unto thee,' or they are conscious of the truth of the charge that these instructions constitute the abandonment of that honourable policy which has distinguished Great Britain for more than a hundred years; and further, that they afford a moral support and give the direct sanction of this country to slavery. The Anti-Slavery Society has appealed to the Secretary of State for Foreign Affairs, and from this quarter we venture to hope for the lifting of the clouds which at present darken the fair reputation of England. Lord Derby is not a man to be led astray by hysterical sentiment on the one hand, or by callous sophistry on the other; and we will venture to assert that any one who will separate himself

from these disturbing media, can come to but one conclusion with regard to the present question. Let us, in the first place, discard all the verbal criticism with which many journals have amused themselves at the expense of the grammar and literary qualities of these instructions. Let it be granted that the grammar is questionable and the style execrable. But what then? When a great moral question is at stake, it is unworthy of the time and the occasion to waste words upon the form in which the question is stated. We might be content to amuse ourselves with criticism of Admiralty literature, were it not that the subject matter of the instructions is all-engrossing in its importance. We believe the whole spirit of these orders to be alien to the most cherished traditions of English morality, and even of the English law. It is now fifty years ago that a similar question came before the English Law Courts. Not then for the first time was it decided that a slave in England was a free man; nor even in Somerset's case in 1772, so often and so justly referred to with pride as the final establishment of that doctrine; but ten years before that, Lord Northington had declared with reference to a negro slave, that 'as soon as a man sets his foot on English ground he is free.' But we would call attention more particularly to the case of *Forbes v. Cochrane*, which established, to some extent at least, the duties of officers of the English navy in protection of fugitive slaves. There, Sir E. Cockburn, second in command of a British fleet, caused notices to be distributed about the shore, inviting Americans, at war with England, to come on board and desert the rebels. In consequence, more than thirty slaves, living under the jurisdiction of Spanish law, and by that law the property of their masters, came on board and were received. The owner claimed them from Sir E. Cockburn, but he refused to send them back, allowing, however, Mr. Forbes to endeavour to persuade them. Not one would yield. In vain the owner entreated and threatened both the slaves and the commanding officer, who was supported by his superior, Admiral Cochrane; the slaves were taken to a British island, and there employed as freemen. The owner brought an action against the two officers, but entirely failed, 'Slavery is a local law,' said Mr. Justice Best, 'and therefore, if a man wishes to preserve his slaves, let him attach them to him by affection, or make fast the bars of their prison, or rivet well their chains; for the instant they get beyond the limits where slavery is recognised by the local law, they have broken their chains, they have escaped from their prison, and are free.' The question thus decided was that an officer

was not bound to send back a fugitive slave at the request of an owner. There is no such duty. Mr. Ward Hunt's instructions attempt to create it. But not only is there no such duty; we venture to think that there is a contrary duty—that of protecting them. This point has not been actually decided at law, but all the judges in the case to which we have alluded agreed that not only was an officer not bound to send such slaves back, but he was probably bound not to do so. Mr. Justice Best went further than the rest, and declared—'It has been said that Sir E. Cockburn might have sent them back. He certainly was not bound to receive them into his own ship in the first instance, but, having done so, *he could no more have forced them back into slavery than he could have committed them to the deep.*' That is not, it is true, an actual decision, but it is a judicial opinion of fifty years' standing, supported by ten other judges. Yet, in the face—in the very teeth—of this opinion, 'my Lords Commissioners of the Admiralty' have committed themselves to instructions of which the most signal is that a slave who comes on board to escape from the alleged (!) cruelty of his master, or to avoid the consequence of his own misdeeds, is not to be allowed to remain on board, unless he be picked up at sea, and then only till the vessel returns within the territorial limits of the country from a vessel of which the slave has escaped. From the point of view of policy and morality, what is this? It is a cowardly cringing to slave-owning States, whose 'mistrust and hatred would be greatly prejudicial to British interests.' Not so prejudicial as the reactionary timidity of 'my Lords Commissioners of the Admiralty.' We do not ask Mr. Ward Hunt and his colleagues to dictate to other nations the abolition of slavery. We do ask them to remember that the lowest morality upon the subject that they are justified in adopting is that of the law which in 1811 declared that it considers Slavery is 'repugnant to the law of nations, to justice and humanity, though without presuming so to consider it and treat it when it occurs in the practice of the subjects of a State which continues to tolerate and protect it by its municipal regulations.' But are we to cringe to municipal regulations of barbarous countries, so far as to make our own ships of war handmaids to that which we declare repugnant to the law of nations, to justice, and to humanity? Let the Lords of the Admiralty consider again the tangled web they are weaving for themselves and their subordinates. The Courts of this country have practically declared that naval officers are bound not to give up fugitive slaves. Mr. Ward Hunt and his colleagues instruct them to violate



this duty. The Lords of the Admiralty have no jurisdiction to abolish legal duties. What should we say if the Home Secretary should instruct the Commissioner of Police to surrender, wholesale, political refugees who have fled hither to 'escape the alleged cruelty of their rulers?' In what position would the carrying out of such instructions place the Minister and those acting under his authority. Naval officers must be in a hopeless dilemma: probably they will best consult their safety by obeying the unwritten law, and disobeying written instructions. That is serious advice to give—we do not presume to offer it. But we do claim for them immunity from such a trying position, and for ourselves relief from such a disgrace, before the courts of law have again, as in *Somerset's case*, to prop up the decaying morality of politicians. 'It is matter of pride,' said an eminent lawyer, 'for us to recollect that, while economists and politicians were recommending to the Legislature the protection of this traffic, and senators were framing statutes for its promotion, and declaring it a benefit to the country, the judges of the land, above the age in which they lived, declared that slavery was inconsistent with the genius of the English Constitution, and that human beings could not be the subject matter of property.' It is not a matter of pride for us that we have to protest against this outrageously misconceived protection of British interests, which affects to protect our 'trash' at the expense of

"That which not enriches them,  
And makes us poor indeed.'

"To Lord Derby we turn to be extricated from these difficulties, and we feel that we shall not appeal in vain. 'As well haul down our flag at once,' says *Punch*, with admirable appreciation of the crisis; and that is not a proceeding in which the Foreign Secretary will take the initiative."

#### *Christian World.*

"If asked to point out a crucial instance of the moral progress of their country, there are many Englishmen who would have referred with confidence and pride to the part taken by England in raising an immense sum in order that the curse and stain of slavery might be forever removed from territories owning the British sway. It has been a national axiom that the moment a slave touched British soil, by that fact he became a free man. With what feelings, then, must all Englishmen regard the instructions recently issued by Mr. Ward Hunt to naval officers with respect to fugitive slaves who may claim the protection of the British flag! It is

there stated that as a 'broad rule a fugitive slave should not be permanently received on board any description of ship under the British flag, unless his life would be endangered if he were not allowed to come on board.' And should a slave under such circumstances have been received on board, if the vessel subsequently 'returns within the territorial limits of the country from a vessel of which the slave has escaped, he will be liable to be surrendered on demand being made, supported by necessary proofs.' This instruction might strike one as a sufficiently ludicrous illustration of the spirited foreign policy of the Conservative Government, were it not for the alarming retrogression which it involves from the standpoint always taken up by England on the question of slavery. We may surely hope that this country would never hesitate to face any difficulties which might arise with other nations with regard to those who on the high seas had sought their liberty under the British flag, and we look confidently for an indignant demand from all parts of England that the infamous 'instructions' which Mr. Ward Hunt has just issued in the interest of the slaveholders and slave-dealers of the East shall be instantly and for ever repealed."

Public Meetings were held in some of the most enterprising towns of this kingdom. Newcastle took the lead, followed by Leeds, Sheffield, Manchester, &c., &c. Our space does not permit the insertion of any detailed account of these great meetings; it is enough to say that they were crowded, and most enthusiastic. The old cry for freedom for the slave was again heard in this land, and so clear and strong was that cry, that "the voices of the people prevailed." One illustration of the Resolutions passed at these great gatherings will suffice.

The following resolution was passed with great enthusiasm by the Pastors and Delegates of the Baptist Union, at its Autumnal Meetings at Plymouth, on Oct. 6th:—

"That this Assembly, consisting of Pastors and Delegates of the Churches comprising the Baptist Union of Great Britain and Ireland, having duly considered the Circular issued by the Lords Commissioners of the Admiralty to Officers commanding H. M.'s ships, concerning their reception of Fugitive Slaves, dated July 31st, cannot refrain from expressing their profound astonishment and sorrow that such a Document should have emanated from a Department of the British Government.

"And, because this document imperils important national rights, reverses the national policy in regard to slaves, is

utterly opposed to the national feeling, makes British officers the instruments of upholding slavery, and in effect sets at naught a settled doctrine of British law—this Assembly respectfully, but most urgently calls on the Lords Commissioners of the Admiralty at once to cancel this ill-judged Circular.”

### THE ADMIRALTY CIRCULAR SUSPENDED OCT. 7TH, 1875.

ON October 7th the following notification was sent to the editors of the newspaper press:—

“The Secretary of the Admiralty presents his compliments to the Editor of the —, and begs to inform him that the Admiralty Circular, No. 33, of 31st July, 1875, respecting the reception of Fugitive Slaves on board Her Majesty’s ships, has been suspended.

“Admiralty, Oct. 7.”

#### LORD DERBY AT LIVERPOOL.

In announcing the suspension of the new regulations on fugitive slaves, at Liverpool, on Thursday, Oct. 7th, Lord Derby expressed the views of the Government in the following terms:—

“I am occupying too much of your time, but there is one other matter which just now is exciting a good deal of interest, and as to which it is desirable that I should say a word. I refer to those Instructions lately issued from the Admiralty bearing on the question of slaves who, under various circumstances, may escape from their masters. You need not be afraid that I am going into any question which will provoke controversy. I wish simply to make a statement of fact, for which you have given me a convenient opportunity. *It has been decided by the Government that those instructions shall be suspended. We do not admit that they bear the construction popularly put upon them, still less have we ever contemplated any change of policy in reference to the subject with which they deal. There could be no motive or inducement for any such change, and, if we had meant it, one of our last acts in the session lately ended would not have been to conclude a new and more stringent treaty with the Seyyid of Zanzibar for the suppression of the slave-trade. The statement of law contained in the document I have referred to, whether or no it embodies the popular view of our rights and obligations, is simply that which we have received on the highest legal authority; but, looking at the construction placed upon it, feeling the extreme inexpediency of exciting popular passion on a matter which requires careful handling, and*

considering that the question dealt with is *not one requiring urgent haste*, we think it better to cancel what has been done, so that the whole question may be considered *de novo*, and that any future discussion upon it may not be prejudiced. This is not the time and place for detailed explanations, and probably you will think I have said enough for the moment.”

We ask the serious attention of our readers to several points in this speech.

1. The new orders are “*suspended*.” In another sentence, Lord Derby uses a still stronger word—“cancel.” “We think it better to *cancel* what has been done.” To “cancel” is equivalent to absolute withdrawal. If such be the intention, it was a mistake to use the word “suspended,” unless as intimating that the Government has not abandoned its original object.

2. We are assured that no “change of policy” has taken place. If so, then it becomes us to be ever on the alert, since the Government can change the national policy without knowing it has done so.

3. If this Circular be “that which we received on the highest legal authority,” then the law has been long since left behind by national opinion and policy, and the law must needs be made to sustain such opinion and policy.

4. Lord Derby describes the excitement caused by the Circular “*popular passion*.” Might it not be more justly called *popular indignation*?

5. Without staying to remark on the “*careful handling*” which the subject requires, we entreat attention to the announcement that the suspension has been ordered, only to clear the way for future action “*that the whole question may be re-considered de novo, and that any future discussion upon it may not be prejudiced*.” No words are needed to set forth the significance of this announcement, and hence it becomes imperative to be watchful, and to inform the public mind on the serious issues at stake.

### PUBLIC OPINION ON THE SUSPENSION OF THE ADMIRALTY CIRCULAR.

*The Times*, Oct. 8.

“The nation will learn with hearty satisfaction, and will receive without any ungenerous scrutiny of motives, the news that the Circular issued by the Admiralty on the 31st of July, ‘respecting the reception of fugitive slaves on board Her Majesty’s ships,’ has been suspended. We can hardly doubt that ‘suspension’ means ‘withdrawal’ in this case. Seldom has

any act or expression of the Executive Government in this country elicited an outburst of disapproval so unanimous and emphatic, yet so clearly disengaged from party feeling. It was felt that the Government had made a mistake—no doubt a bad mistake, and one to be condemned at once and sharply, but, after all, only a mistake. Not even the most embittered opponent of Mr. Disraeli's Ministry entertained the thought, we suppose, that either the Premier, or the First Lord of the Admiralty, or the Secretary of State for Foreign Affairs actually intended to surrender either the privileges of British ships upon the seas, or the station of England as the champion of human freedom. The Circular was manifestly a blunder; but there is among official persons a natural tendency to defend blunders which have chanced to receive the stamp of authority, or, if defence be impossible, there is a temptation at least to ignore criticism. To this common bias we may probably attribute the delay which has intervened between the exposure of the dangerous character of the Admiralty Circular and the announcement of its suspension with which last night Lord Derby, at Liverpool, and the Chancellor of the Exchequer, at Middlesborough, gratified their hosts. In a different temper of the public mind the seeming hesitation of the Government in settling a matter about which we should be sorry to believe that any doubt can have existed at Whitehall, might have done mischief. It is even now to be regretted that the Circular did not come under the notice of Parliament while in session. A question asked in the House of Commons would have called the attention of the First Lord of the Admiralty very imperatively to the business, and, as it is difficult to conceive Mr. Ward Hunt entering upon an oratorical defence of orders which violate received principles of modern English policy, we should probably have seen the Circular repudiated almost as soon as it was published. But at this season of the year the wheels of the Ministerial machine move slowly, and the movements of the Ministerial mind are not much more rapid. The Circular has been a topic of public discussion for a couple of weeks; and it is fortunate for the Ministry that the country, though firm on the ground of principle, was in a forbearing mood. The energy with which Mr. Forster last night discussed the question in all its bearings shows what proportions it would have reached if it had remained as it was.

"Not much harm will have been done by the original oversight, nor even by the subsequent hesitation in mending it, provided the reparation be complete and

candid. The 'suspension' of the Circular may be a very proper phrase to use so that the official authors of the mistake may have all due time to correct their error formally, but the nation will look for an assurance that it signifies no suspense in the minds of Ministers. To leave the country in doubt whether, after all, the First Lord of the Admiralty and his colleagues may not approve, incredible though the notion seems, these amazing instructions would be, we have no hesitation in saying, a signal act of folly, more particularly as Mr. Forster's assertion, spoken with the authority of an ex-Minister, that such an important document could not have been issued by an Under-Secretary merely will have much weight with the country. It is to be remarked that when after the close of Mr. Forster's speech last night the news of the 'suspension' arrived Mr. Forster checked himself in his congratulations to observe that the phrase was not so conclusive as could be desired. A frank and prompt withdrawal of the Circular will be accepted by the country as a satisfactory apology, but any stickling for 'suspension' merely will not fail to awaken unjust and injurious suspicions of sincerity. If the Orders are only to be suspended, we must infer that there is some defence to be made for them, and that the Admiralty is ready to put forward its arguments, even though it may ultimately be necessary to yield to popular pressure. We trust that no such ideas are entertained for we are satisfied that persistence in them would be calamitous. The Orders cannot be defended, by however cautious and moderate an advocate, without the admission of doctrines which strike at the root of the great principles which seemed to be endangered by the Circular. These principles, we are well assured, no member of the Ministry would consciously assail or undermine. So much Sir S. Northcote and Lord Derby assert on the part of their colleagues, and so much Mr. Forster admits in justice to his opponents. But the attitude of mind in which a defender of the Admiralty Orders would of necessity be placed would not, to say the least, be favourable to the vindication of those principles. It is, however, essential that nothing should be said by any Minister of the Crown which, though possibly having reference only to a single Ministerial act or document, might in the eyes of the rest of the world attenuate the potent moral effect of the protest this country has repeatedly made, and has now most strenuously, though temperately, renewed, against slavery in any shape or form. The Admiralty Circular has given a new life to this inherited feud between England and the enemies of human liberty; and



the indignation meetings, of which the important demonstration at Leeds which we report this morning may be taken as an example, represent but feebly and partially the depth and solidity of this conviction.

"There is hardly any other sentiment which can justly be called national which our public men, without distinction of party, can so heartily express, because there is perhaps no other so warmly felt. For a man to reveal and translate into energetic and glowing diction his hatred of serfdom, he need not soar to philosophic heights nor descend into the perplexities of detail. Something broad to tread upon is a help to the orator, and when he stands on the same solid ground as his hearers it is well with him. This power is evident in Mr. Forster's language, which kindled his audience. But the Chancellor of the Exchequer is hardly less vigorous in his assertion of principle. It was possible, even, to read between the lines of Sir Stafford Northcote's speech at Middlesbrough on Wednesday night—that is, before the announcement of the suspension of the Circular—that he desired to repudiate on behalf of the Ministry any suspicion of carelessness about the doctrines threatened by the inconsiderate act of the Admiralty. Sir Stafford Northcote, though he laid stress on the work that England had done, and had still to do, both for commercial and for political liberty, was most emphatic in his assurance that 'we had still to carry through the world what was England's proudest standard—the standard of personal freedom,' and assumed the loftiest tone when he boasted that 'great blows had been struck, mainly by the hand of England, at the worst evils of slavery.' This is not the language of a Minister who would be willing to defend instructions ordering our naval commanders to surrender fugitive slaves to their masters. The question, indeed, is not one on which we could conceive a difference of opinion arising among any class of Englishmen. The dangerous concessions with which the Circular, in a slovenly and illogical style, has invaded the most important and well-established principles of international law are less calculated to excite public indignation because their scope is less generally understood, and, even when carefully expounded, it has no hold upon sentiment or emotion. But a statesman, or a public man of any order who knows and values the greatness of his country as a Power upon the seas, will not be disposed to make light of a blunder which gave up the right of the Queen's ships to be regarded as a part of the Queen's dominions. Mr. Forster has skill in striking the patriotic and the imperial notes, and he did not fail to dwell on this aspect of the question. It was a

strange fatality of ignorance or levity which amalgamated two such errors into the unfortunate Circular of the 31st of July. But their very enormity is their apology, and they will be forgiven freely if the country be wisely allowed to forget them completely. Defences of an argumentative sort will provoke controversies which, for the interest of the Ministry as well as for that of the country, ought to be avoided."

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*The Spectator,*

Observes that "it is satisfactory to know that the instructions are suspended," but says that "Lord Derby offers an exceedingly weak apology for the statesman, whoever he is, who sanctioned them. It is simply childish to say that no change of policy was intended. The truth is that the instructions would have made a very great change indeed in the attitude which Great Britain has taken up towards slavery, and one which would have materially affected the estimate by foreign States of England's intentions. As for the law of the subject, Lord Derby must know very well that on questions of international law there is no such thing as a final legal authority. What we mean by saying that a British ship-of-war, or a French ship-of-war is, even in foreign waters, a part of the State whose flag it bears, and not subject to the laws of the country in whose waters it floats, is not, of course, that under all conceivable circumstances every nation in the world would concede this, but that this is the claim which all great States have uniformly made for their ships-of-war, and made with so much success that no State in its senses, unless wishing to go to war with the Power whose flag is disregarded, would ever dream of contesting it. All that international law means, or can mean, is a useful custom, sustained by the practice of the vast majority of civilised States; and in this, the only real sense of the term, it is unquestionably good international law that the ship-of-war of any nation is regarded, even within foreign territorial waters, as part of the dominions of the Power whose flag it bears. The recent Admiralty Circular either gave up that assumption—which would be a most important and dangerous surrender of a claim made by every civilised State for any country to make, and a monstrous surrender for England, who places her reliance mainly on her naval strength, to make—or it gave up a still more important principle, the doctrine that no slave can remain a slave in English territory. Whichever of these surrenders of principle the recent Circular made, it would have been a thunderclap to the British nation, and the

Government had really no choice but to suspend the new instructions at once."

*The Examiner.*

"The Fugitive Slave Circular has been abandoned by the Government. On Thursday evening the Secretary to the Admiralty sent a notification to the newspapers to announce that the absurd document had been 'suspended,' and the same night Lord Derby took the opportunity of communicating the fact to a Liverpool audience, while Sir Stafford Northcote was making the same confession at Middlesborough. The announcement, we are glad to say, did not come in time—though it narrowly missed—to prevent Mr. Forster from addressing his constituents at Bradford in a vigorous speech, with a fine ring of Puritan earnestness in it that we have hardly heard from Mr. Forster since the American War, certainly not since he got transformed into a Minister of Education and champion of clericalism. It is good that such honest words should be spoken unflinchingly, though indeed the Ministry 'backed down' before the attack had been opened upon them. We are glad, at all events, to find that Sir Stafford Northcote spoke with genuine earnestness on the side of liberty, protesting that he knew nothing about these instructions, and could assign no reason for their publication. His language contrasts very favourably with that of Lord Derby, who affirms that on 'the highest legal authority' the Circular is to be justified, but that, owing to the public excitement, the subject will be withdrawn for reconsideration."

*Saturday Review.*

"No one can be surprised that the Government has felt obliged to give up the recent Circular of the Admiralty in regard to fugitive slaves, but it is difficult to imagine why there should have been any delay in doing so, and the strange and ominous silence which has, until the last few days, been so obstinately maintained is even more incomprehensible. There never was a case in which public opinion, whatever it may be worth, expressed itself more strongly and unanimously. And yet during the whole of this time, with all the din that has been made in their ears, the Ministry affected to be perfectly unconscious that anything was amiss. No explanations were offered on their behalf, no defence suggested. In view of the declarations, however, of Lord Derby and Sir Stafford Northcote, of course there can be no doubt that the document is abandoned. That this would have to be done sooner or

later was evident from the first; but why, if the Government was not prepared to justify the Circular, was it not given up at once? And what excuse can be offered for the contemptuous silence which was so long persisted in? One would have supposed that, even for its own sake, the Government would have been glad to get as quietly and quickly as possible out of an ugly scrape; and a glance at the document was enough to show how utterly objectionable it was on every ground. It must be remembered that this is not a mere question of a graceful concession to public opinion at home. Every day, every hour that the Circular remained under consideration rendered it the more difficult for the Government to escape from the false position into which it had unfortunately stumbled. Indeed, the more this subject is considered the more amazing it is that it should have occurred to any one to open it up in this rash and foolish way. The most ordinary prudence would suggest that this is one of those sleeping questions which England would do well to let alone. Indeed, it is difficult to conceive why it should have been disturbed at all."

*The Nonconformist, Oct. 13.*

"As we had anticipated, Her Majesty's Ministers have not been foolhardy enough to face the rising storm of indignation which was excited by the revised code of instructions they had issued to officers of the navy in regard to the treatment of fugitive slaves. They would have been daring men, indeed, if they had determined to meet Parliament next session with that question under doubt. They have discreetly suspended the new Admiralty instructions. Of course, they meant nothing even remotely akin to the interpretation put upon that startling document by the public mind. They see nothing in it which will justify the excitement it has raised. They have the highest legal authority for the opinion which they hold. Nevertheless, they are quite sensible of the inconvenience which will arise from a heated popular discussion of the question at issue. They therefore suspend the active operation of these orders. They wish to consider the whole matter *de novo*, apart from the pressure of popular anger.

"This, one may remark, is a shabby way of backing out from a very serious blunder. We have no desire to impute to the Cabinet any deliberate intention of reversing the long-settled policy of England in reference to the attitude which her officers are expected to assume towards slavery in any and every part of the world. We are not yet made acquainted with the precise official autho-

rity which should be held responsible to the nation for the issue of these blundering instructions. Nominally, no doubt, the Cabinet is answerable for what has been done. Actually, it may be fairly supposed that when the orders were formally submitted to the Cabinet sometime in July last, the state of public business and the necessity which existed for the winding-up of the affairs of the session prevented any minute attention having been paid to a document which had been prepared by a special department. We dare say that, although the agenda came before them in the usual way, it was treated as a mere matter of routine, and that some, at least, of the members of the Cabinet were as much astonished at the tenor of these instructions as were those politicians who had protested most strongly against it. Accidents of this kind, though they indicate a slovenly mode of transacting the public affairs of a great Empire, may be occasionally allowed for, and forbearingly condoned. But the dogged silence of the Ministry from the moment that the blunder was exposed until Friday last is not so easily to be excused, and the somewhat supercilious tone in which the suspension of the Admiralty Orders was announced does not certainly add to the dignity of Her Majesty's Ministers.

"The words of Earl Derby at the Liverpool banquet given to him on Friday last, must be reproduced as they were spoken in order that the tone of them may be fairly criticised. After alluding to the Admiralty instructions, he says:—'I wish simply to make a statement of fact, for which you have given me a convenient opportunity. It has been decided by the Government that those instructions should be suspended. We don't admit that they bear the construction popularly put upon them, still less have we ever contemplated any change of policy in reference to the subject with which they deal. There could be no motive or inducement for any such change, and if we had meant it, it would not have been one of our last acts in the session lately ended to conclude a new and more stringent treaty with the Sultan of Zanzibar for the suppression of the slave-trade. The statement of law contained in the document I have referred to—whether or no it embodies the popular view of our rights and obligations—is simply that which we have received on the highest legal authority. But looking at the construction placed upon it, feeling the extreme inexpediency of existing popular passion on a matter which requires careful handling, and considering that the question dealt with is not one requiring urgent haste, we think it better to cancel what has been done, so that the whole question may be

consider *de novo*, and that any future discussion upon it may not be prejudiced.' Perhaps the noble earl has said all that could have been expected on this subject from so reticent a statesman as he is, but we must take his language as we find it. He does not explain the origin of the blunder. He tells us nothing of the circumstances which rendered it necessary to revise the old instructions of the Admiralty in reference to the treatment of fugitive slaves. He does not admit that the apprehensions of the public are well founded. He protests that the law of the subject has been received by the Cabinet from the highest legal authorities. But he seems to indicate that the question will be reconsidered, and reconsidered, if possible, apart from what he calls 'popular passion,' on a matter 'that requires careful handling.' Must we interpret this unsentimental speech as designed only to mask a final retreat? Shall we ever be likely to hear of the question again during the continuance in office of the present Ministry? Mr. Disraeli, no doubt Lord Derby himself, Sir Stafford Northcote, and Lord Carnarvon, clearly perceive that the Admiralty instructions were drawn up in a sense which will not bear public criticism. Whether Mr. Ward Hunt drafted them, or merely received them from one of his subordinates, will perhaps be known at some future day. It matters little which. The thing is a blot upon the reputation of the Ministry. The document itself shows an inferior hand. It is evidently the product of disgraceful political ignorance. No apology can be accepted as satisfactory. But, at least, it ought to have been frank. It has left the question sufficiently open to provoke discussion when Parliament meets. There ought to have been no attempt to ride off on the high horse. When the country has been scared into an indignant mood by a false official move like this, it had been better to meet the rising temper of the nation by saying, 'We beg pardon, we did not mean it; we will not allow any such mistake to be committed again.' And this is what the Government will be compelled to do, more or less distinctly, next session. It is somewhat unfortunate for them that all their blunders have been on the wrong side. They all of them take the hue of old Toryism."



# THE TIMES ON THE LEGALITY OF THE ADMIRALTY CIRCULAR (OCT. 22ND).

"THE blaze of excitement kindled by the publication of the Admiralty Circular has been by no means favourable to the calm discussion of the legal questions raised by that famous document. Most people have been content to follow the example set by Mr. Forster, and, taking its most obvious meaning to be that which was intended, have denounced it as a violation of one or other of two great principles of the law of England. Lord Derby, however, has declared that the Circular does not bear the construction which has been put upon it, and those who have read it will remember that it was by no means an easy paper to construe. Lord Derby, moreover, has said that the paper was drawn up after the best legal advice that could be obtained, and we have been assured that neither the Government nor any member or servant of the Government ever dreamed of departing from the law and policy of the country with reference to slavery and the slave-trade. *No doubt the legal question is not the all-important one here.* Even if the Admiralty Circular had borne the impress of legality on its face, the anger of the country would have been equally aroused. It was not so much the alleged violation of the law as the insult offered to the traditional sentiment of the nation which has called forth enthusiastic protests from crowded meetings in the great towns.

## IMPORTANCE OF THIS QUESTION.

"But the legality of the Circular is a very important point for the Admiralty and for the Government. If it be true that the Circular is based on the opinion of the legal advisers of the Government, and that their opinion is correct, the conduct of the Government admits, at least, of a partial justification. At all events they divide the blame of the blunder, if there has been one, with their responsible advisers. *Whether, granting its legality, the Circular should have been issued at all, is another question.* In the meantime it may be worth while to examine the 'instructions' contained in the Circular, and compare them with what has been said by the law on the same subject.

"The question dealt with in these instructions is stated to be 'how far officers in command of Her Majesty's ships are justified in receiving on board fugitive slaves who, escaping from their masters, may claim the protection of the British flag.' Now if the question of receiving fugitive slaves was the only question touched by the Circular, it might be said on behalf

of the Admiralty that the legal discussion is out of place. *The law says nothing about receiving fugitives on board British ships. It neither compels the officers in command to receive the slaves nor punishes them for refusing to do so.* If the Admiralty, therefore, only intended to instruct their officers how to exercise their discretion in particular cases, there might be much to say about the prudence and magnanimity of their advice, but there could, we apprehend, be no relevant discussion of its legality. Lord Derby, however, has warned us to be cautious in construing the Circular, *and we shall soon find that it goes much beyond the question stated in the preamble.*"

Next follows the Circular, for which see p. 208.

The article continues :—

## WANT OF LEGAL PRECISION IN LANGUAGE.

"We have placed the substance of the Circular thus in detail before our readers that they may judge for themselves how far it is capable of being construed as a legal paper. The utter absence of legal precision, notwithstanding the pretended formality of its divisions, cannot fail to strike the most uninitiated. If the document were to be construed strictly it would be found to deal with only a portion of the possible cases.

"For example, the first class only includes slaves who try 'to escape from the alleged cruelty of their masters, or to avoid the consequences of their own misdeeds.' What of slaves, as Mr. Forster asked, who come on board for neither of these reasons, but simply to acquire freedom? Or what, we may ask, of slaves who come on board by their master's orders, or for any other indifferent reason, and, being on board, claim to be free? The Circular takes no notice of such cases, but we cannot suppose they were meant to be excepted from its scope. The looseness of the definition of the second class is still more remarkable. It actually includes those fugitives only whose life would be endangered if they were not taken on board, and construed strictly would exclude from the instructions fugitives taken or found on board when there is no danger. The third class—refugees claiming their freedom under a British treaty—makes no mention either of high seas or territorial waters, and therefore leads to the inference that a slave entering or being on a British ship on the high seas, and alleging that he is detained in violation of a British treaty, will be remitted to slavery if his claim should turn out not to be good. *The rules are not less remarkable.* For example, the 'broad rule,' although professing to embrace all cases,

must, one might suppose, be intended for ships in harbour or territorial waters alone; for in the explanatory sentence which follows it is said that a contrary rule would involve 'a breach of the law of the country.' What country? Outside foreign harbours and waters the only country present is England, and it is the rule, and not its contrary, which would be a violation of the law of England. We must be careful, however, in drawing such conclusions, as the Circular, it will be observed, proceeds in perfectly general terms, without any allusion to the territorial laws of foreign States. The particular rules are simpler, with the exception, perhaps, of the third. Under that rule, if the slave is successful in his assertion, what is to be the consequence? 'The local authorities should be requested to take steps to insure his not relapsing into slavery.' Apart from the curious phraseology, which would seem to imply that slavery is a vice like drunkenness, into which negroes not properly looked after would naturally fall, the rule seems to assume that the fugitive is to be landed in the country he has run away from—surrendered, in fact, with a word of warning to the authorities. It is almost incredible, in spite of Lord Derby's statement, that a document of this character should have ever been draughted by a lawyer, or even seen by a lawyer before its publication. *The commanders are not to be envied who might have to act on their own interpretation of these instructions.*

#### ILLEGALITY OF THE FIRST PROPOSITION.

"If we are to construe the so-called 'broad' rule as extending to all possible cases of the reception of fugitive slaves, whether on the high seas or in territorial waters—and that interpretation is in harmony with many expressions in the Circular—we must impute to the authors of the Circular the following positions:—

"1. That a fugitive slave on the high seas may be received for a time only, and afterwards surrendered to his former masters. This principle seems to run through the instructions, which end in a warning that slaves are not to be 'misled into the belief that they will find their freedom by getting on board a British ship afloat.'

"The first proposition is so distinctly illegal, that it is inconceivable how the most casual expressions in an official document could have been suffered to lend it any encouragement. It is not surprising that the public critics of the Circular should have found it easy to demolish this extraordinary principle.

#### THE CASE OF SOMERSETT.

"We need not refer to the cases before that of *Somerset*, the negro, in 1771, and

we only quote a few words from the judgment of Lord Mansfield in that case for the sake of comparison with the language of the Admiralty:—"The setting 14,000 or 15,000 men at once loose by a solemn opinion is," says Lord Mansfield, "very disagreeable in the effects it threatens. If the parties will have judgment '*fiat justitia, ruat cælum*,' let justice be done, whatever be the consequence: £50 a-head may not be a high price; then a loss follows to the proprietors of above £700,000 sterling.' And, finally, 'The state of slavery is so odious that nothing can be suffered to support it but positive law. Whatever inconvenience, therefore, may follow from the decision, I cannot say this case is allowed or approved by the law of England, and, therefore, the black must be discharged.' It will be seen that one of the Admiralty's reasons for the general rule—viz., the apprehended injury to property—was overruled by Lord Mansfield more than a hundred years ago.

#### THE CASE OF "FORBES v. COCHRANE."

"The case of '*Forbes v. Cochrane*' (2 Barnewell and Cresswell, 448) extends the principle of *Somerset*'s case to British ships at sea. The marginal note is as follows:—

"Where certain persons who had been slaves in a foreign country, where slavery was tolerated by law, escaped thence and got on board a British ship of war on the high seas:—Held that a British subject, resident in that country, who claimed the slave as his property, could not maintain an action against the commander of the ship for harbouring the slave after notice.'

"The note, it will be observed, states, contrary to Mr. Forster's impression, that the vessel was on the high seas when the slaves came on board; but the point does not appear to have been mooted at the trial."

#### MR. JUSTICE HOLROYD.

Mr. Justice Holroyd argues as follows:—

"Put the case of an uninhabited island, discovered and colonised by the subjects of this country—the inhabitants would be governed by the laws of this country. In the case of a conquered country, indeed, the old laws would remain until altered by the King in Council; but, in the case of the newly-discovered country, freedom would be as much the inheritance of the inhabitants as if they were treading on the soil of England. Now, suppose that a person who had been a slave in one of our own West Indian settlements escaped to such a country, he would thereby become as much a freeman as if he had come into England. He ceases to be a slave in England only because there is no law which sanctions his

detention in slavery ; for the same reason, he would cease to be a slave the moment he landed on the supposed newly-discovered island. In this case, indeed, the fugitives did not escape to any island belonging to England ; but they went on board an English ship—which, for this purpose, may be considered a floating island—and on that ship they became subject to the English laws alone."

## MR. JUSTICE BEST.

"Mr. Justice Best admitted his own warmth of feeling on the question. 'Slavery,' says the learned Judge, 'is a local law ; and therefore, if a man wishes to preserve his slaves, let him attach them to him by affection, or make fast the bars of their prison, or rivet well their chains ; for the instant they get beyond the limits where slavery is recognised by the local law, they have broken their chains—they have escaped from their prison, and are free. These men, when on board an English ship, had all the rights belonging to Englishmen, and were subject to all their liabilities. If they had committed any offence, they must have been tried according to English law. If any injury had been done to them, they would have had a remedy by applying to the laws of this country for redress. I think Sir G. Cockburn did all that he lawfully could do to assist the plaintiff ; he permitted him to endeavour to persuade the slaves to return, but he refused to apply force. I think he might have gone further, and have said that force should not be used by others ; for, if any force had been used by the master or any person in his assistance, can it be doubted that the slaves might have brought an action of trespass against the persons using that force ? Nay, if the slave, acting on his newly-recovered right of freedom, had determined to vindicate that right—originally the gift of nature—and had resorted to force, and his death had ensued in the course of such resistance, can there be any doubt that everyone who contributed to that death would, according to our laws, be guilty of murder ? That is substantially decided by *Somerset's case*, from which it is clear that such would have been the consequence had these slaves been in England ; and, so far as this question is concerned, there is no difference between an English ship and the soil of England. It has been said that Sir G. Cockburn might have sent them back. He certainly was not bound to receive them into his ship in the first instance ; but, *having done so, he could no more have forced them back to slavery than he could have committed them to the deep*. When they got out of the territory where they became slaves to the plaintiff, and out of his power and control, they were, by the

general law of nature, made free, unless they were slaves of the particular law of the place where the defendant received them. *They were not slaves by the law which prevailed on board the British ship of war.*'

## VALUE OF THIS JUDGMENT.

"A good deal of the reasoning here is, no doubt, based on considerations not usually advanced in Courts of Justice in these days, but the legal conclusions are unassailable. If we limit this celebrated judgment to the case of ships on the high seas, it stands perfectly clear that slaves coming on board such ships acquire at once the liberty of the English soil, and may not be surrendered or detained, or otherwise dealt with, except as freemen. What, then, becomes of the dangerous generalities of the Admiralty Circular ? How can it be possible to receive the fugitives, and not receive them permanently ? How can it be lawful to give them up to their masters after they have acquired the status of free men ? How can they be misled by the belief that they will acquire their freedom on reaching the deck of a British ship at sea, when that very principle has been laid down in terms by English judges, and acquiesced in ever since by the Legislature and the nation ?

## QUESTIONABLE LEGALITY OF THE SECOND PROPOSITION.

"We now turn to the case of British ships in the harbours or territorial waters of another State. Mr. Forster asserts the general principle '*that the deck of the British man-of-war is British territory in any place.*' We do not know that there is any reason for limiting the principle to men-of-war, inasmuch as private ships also are usually described as British territory. It is not quite so clear as Mr. Forster's language would seem to imply that British ships are British territory in any place. The law-books, evidently following the marginal note to '*Forbes v. Cochrane*,' content themselves with saying that British ships are British territory on the high seas. The proposition is indisputable, if only for the reason that there is no competing jurisdiction. But there is evidently a great difference, so far as jurisdiction is concerned, between ships at sea and ships within the borders of another State. Here our exclusive jurisdiction is not the only available one, and must, in fact, be treated as an exception to the general local jurisdiction of the other State. It has been very truly said that what we claim here is only what every State claims. Territoriality, in fact, is not a special privilege of British ships, but is equally insisted on by all independent nations. The phrase itself is, no doubt, apt enough to mislead. It is one of those powerful legal metaphors from which new principles sprout only too easily.



Granting the territoriality of English ships within the borders of another State, it is still a question whether the privilege goes so far as to justify the reception and conversion into freemen of fugitive slaves belonging to that territory. Mr. Broom, in his book on Constitutional Law, quotes from a recent case ('Reg. v. Lesley,' Bell, C. C., 220) the following:—'Although an English ship in some respects carries with her the laws of her country in the territorial waters of a foreign State, yet in other respects she is subject to the laws of that State as to acts done to the subjects thereof.' But 'it is clear that an English ship on the high sea, out of any foreign territory, is subject to the laws of England; and persons, whether foreign or English, on board such ship are as much amenable to English law as they would be on English soil.' There is a great difference between the territoriality here asserted for a ship on the high sea, and that claimed for a ship in foreign waters. In the first case it does, and in the second it does not, extend the law of the ship's country to strangers on board. Possibly the advisers of the Admiralty may be of opinion that the reception of fugitive slaves is exactly one of those things which the right of territoriality does not cover.

#### THE CASE OF THE "CREOLE."

"The case of the *Creole* may also be mentioned. An American brig of that name, carrying 135 slaves, was seized by the slaves, who compelled the master to navigate her to Nassau. There, at the request of the United States' Consul, 19 of the slaves were identified and arrested, as having taken part in acts of violence, to await the decision of the British Government. Mr. Webster, addressing Lord Ashburton, maintained that if United States' vessels are driven by stress of weather, or carried unlawfully into British ports, the authorities in those ports must not take advantage of their misfortunes, and enter them for the purpose of interfering with the condition of persons or things on board as established by their own laws.

'If slaves, the property of citizens of the United States, escape into British territory, it is not expected that they will be restored. In that case the territorial jurisdiction of England will become exclusive over them, and must decide their condition. But slaves on board American vessels lying in British waters are not within the exclusive jurisdiction of England, or under the exclusive operations of English law.'

"Mr. Webster appears to have maintained that the *Creole* never passed into British jurisdiction so as to affect the legal relations of persons and things. The British Govern-

ment resisted the restitution on the ground that the slaves were now actually at liberty on British ground, and, being charged with no crime against British law, could not, in the absence of an extradition treaty, be surrendered. Lord Brougham (who called attention to the subject), Lord Denman, Lord Campbell, and other law lords, supported this opinion in the House of Lords.

#### WHAT IS LEGAL.

"It would appear to be admitted that slaves on board a foreign vessel in British waters do not recover their freedom, and therefore, in fairness, it must be held that persons on board a British vessel in foreign waters cannot be slaves. If in the one case the slave escapes from the foreign vessel to British soil, or in the other from foreign soil to the British vessel, he becomes free. If such be the law, then his surrender is as illegal as Mr. Justice Best declared it to be in the case of a fugitive slave on a British ship on the high seas. He must not be surrendered or detained otherwise than as a free man. The Admiralty are within their legal rights in ordering their commanders not to receive such slaves, just as Mr. Justice Best declares that on the high seas the captain may in his discretion refuse to receive them. And there may be reasons of policy to make such instructions advisable. Foreign countries might complain if friendly vessels admitted to their harbour were employed in smuggling away their property. But the slave once received on board the ship, there can be no further question of his slavery. We do not say that these views can be supported on all points by exact precedents, but the Admiralty takes upon itself a fearful responsibility in assuming that they are wrong.

#### III.—DOUBTFUL LEGALITY OF THE THIRD PROPOSITION.

"If, however, the Admiralty should prove to be right in that view, there would be something to be said for the last of the three propositions we have mentioned. If the fugitive within territorial waters is a slave, and by the vessel proceeding out to sea he becomes a free man in virtue of the ship being then British territory, it would be a defensible thing to say that when the ship returns to the territorial waters he again becomes a slave.

#### THE CASE OF GRACE.

"For this position we have a precedent in the case of the slave Grace, who came from Antigua to England with her mistress, and, after staying here some time, returned to Antigua with her mistress, in the capacity of a domestic slave. It was held by Lord Stowell that her residence in England did not prevent her

reverting to slavery in Antigua. Her liberty, according to that great judge, 'was placed between parentheses.'

LORD STOWELL'S DECISION WARMLY CANVASSED.

"This decision, no doubt, has, as Mr. Broom expresses it, been a good deal canvassed both here and in America. Sir R. Phillimore, not usually wanting in respect for great authorities, says it was, perhaps, the most questionable judgment Lord Stowell ever delivered. The Admiralty apparently accepts the theory of the 'parentheses,' and it must be admitted that it is the strongest legal ground they hold in the whole case. It must not be forgotten, however, that it is of no use to them unless their second proposition is found to be valid—viz., that the fugitive is to be treated as a slave while the ship is within the waters of the slave-holding State.

CONCLUSION.—THE CIRCULAR TAKES THE SIDE OF SLAVERY.

"Whether our interests require that we should avoid giving offence to slave-holding States by helping their slaves to run away is another question, which need not be discussed here. It might even be argued that, while enjoying the protection of a foreign harbour, honesty requires that we should abstain from injuring property recognised as legal and of great value there, although abhorred and detested by ourselves. *We fancy that the position of the Admiralty would not on either point command much popular sympathy in England. If, however, our reading of the Circular is correct, the Admiralty has adopted a much less pardonable policy. It has taken the side of slavery where there was a doubt, and where there was no doubt it has taken the same side. In all cases, whether admitting of two opinions or not, it has preferred Vindicias intervritutem dare.*"

#### SOMERSET, THE NEGRO BOY.

LETTER FROM MRS. FLETCHER TO HARRIET MARTINEAU.

*Lancrigg, 1850.*

DEAR MISS MARTINEAU,—It has been said that the noblest act of the British Parliament was that which gave twenty millions of British gold to purchase the freedom of eight hundred thousand slaves in the British colonies. I think it was a still nobler act of national justice and humanity when, in the case of Somerset, in May, 1772, it was decided, by the verdict of a London jury that the moment a slave set foot on English ground he was free!

In the summe of 1807, when I resided

with my family in Northumberland, I had the good fortune to meet with an intelligent old lady, Mrs. Judith Sharp, the sister of Granville Sharp. She gave me many interesting anecdotes of her brother. Though descended from an old family in the county of Northumberland, Mr. Sharp was himself a shopkeeper in Cheapside. In one of his early morning walks in the suburbs of London, he met a poor negro boy, and, observing that his head was bound with a bloody handkerchief, he asked what accident had befallen him. The boy simply said, "It was Massa did it." On questioning him further, Mr. Sharp learned that the poor slave had been sent as a present from a slaveholder in Jamaica to his brother, a merchant, in London, and that this London slaveholder had, in a moment of brutal anger, struck the boy a desperate blow on the head with some sharp instrument. The boy ran away, and had been some days begging in the streets, having no one to protect or take care of him. Mr. Sharp took him to the nearest hospital, had his wounds examined and dressed, left him under medical care for some days, and when all danger from the wounds was over, he took him to his own home, and bade him remain in his service, at the same time acquainting his former master where he was to be found. The ruffian claimed him as his property. This was exactly what Mr. Sharp wished. He defended the negro's right to freedom before a jury in Westminster Hall, and Lord Mansfield had the honour to record there the immortal verdict which became from that day the law of England. Not many days after that great event was known throughout all London, Mrs. Judith Sharp told me a lady was sitting in her balcony overlooking the Thames, between London Bridge and the West India Docks; she saw a small vessel hurrying towards these docks, and heard a piercing cry, and the name of "Granville Sharp! Granville Sharp!" loudly shrieked as the vessel passed rapidly below her balcony. It instantly struck her, "This must be a kidnapped negro;" and without a moment's delay, this energetic woman went straight to the Lord Mayor, made an affidavit of what she had seen and heard, and obtained a warrant to search every vessel in the West India Docks for him who had cried so loudly on Granville Sharp for mercy. After some hours' search a young negro was found concealed under an empty hog's-head, his hands and feet tied together, and his mouth bandaged. This victim of avarice and cruelty was instantly liberated by that glorious verdict of a London jury.

Oh! that America would learn this lesson before it is too late to avert a servile war—

that she would learn to "be just and fear not?" Had George Washington lived in our days, his magnanimous spirit would have taken the side of negro emancipation as fearlessly as he did that of American Independence. He did not live up to that period of social progress, which some of the enlightened Americans of the Northern States have now reached. In his day the mother country, who boasted herself free, was not ashamed to carry on the slave-trade, and to curse her possessions in the Southern States of America by leaving them the legacy of that most foul and impious traffic. But a greater than Washington will yet arise in America, a man capable of making a great personal sacrifice of property in human beings, one that will not only plead the negro's cause in Congress, but will risk all personal consequences, and will hold out the right hand of fellowship to such a noble effort of humanity and justice. Such a day, I trust, is not far distant in America, when Mrs. Chapman, you, and many others, who have laboured in this most righteous cause, will find their reward in its accomplishment.

I am, dear Miss Martineau,

Truly and respectfully yours,

ELIZA FLETCHER.

—Extracted from the "*Autobiography of Mrs. Fletcher.*" Edmunston & Douglas. 1875.

#### COOLIE IMMIGRATION IN THE BRITISH WEST INDIES AND THE MAURITIUS.

It was a saying of George Canning, and one worthy of him as a statesman, "I care nothing for your facts, give me a principle." Let legislation and government proceed on a sound principle, and the facts are certain to come right. Good seed will produce good fruit.

The great experiment of the abolition of the slave-trade so long proceeded on a sound principle, that of the right of every man to personal freedom, and to the enjoyment of the fruits of his own labour, which includes the right to carry that labour as a commodity to the best market. So far as this principle has not been interfered with, the result has been a magnificent success. Liverpool and Bristol have not been ruined by the abolition of the slave-trade; while by the further abolition of slavery, our West India colonies have been saved from hopeless and inevitable destruction, and put on the road to a sound and healthy prosperity.

If Mr. C. Greville's Memoirs are to be trusted, the statesmen who carried the emancipation measure,—including men

like Sir Henry Taylor, and the late Sir James Stephen, both in high position in the Colonial Office, and both men of great intelligence and humanity,—while convinced that the abolition of slavery was right and necessary, believed at the same time that it would ruin the planters and destroy the cultivation of sugar. The process of ruin to the planters had been steadily going on for a long time; and the true condition of the affairs of a great mass of hopelessly insolvent proprietors was not caused, but simply made apparent, by the great social change. But it was not the ruin of the planters only, but that of the slaves as well that was coming on the colonies with inexorable, advancing tread. The labouring population previous to the abolition of slavery was steadily decreasing year by year. This wasting process has been arrested by abolition, and now population is year by year increasing. The aggregate production of sugar in the emancipated colonies is larger than it was during the time of slavery, while there has been a marked development of other industries; and the total imports and exports of these colonies have enormously increased. We are quite aware that there are partial local exceptions; and that numerous estates have gone out of cultivation. Those for the most part were properties that had long been cultivated at a loss; and on which sugar could never have been produced at a profit except under a system which, by high protective duties, gave the planter an artificially high price for his produce. The free labour system has not only established an aggregate increase of production, in the face of the enormous difficulties attending so vast a change as the emancipation of the whole of the labouring class, but in the face of open competition with the whole world, and of a gradual lowering of prices caused by the augmented productions of other tropical countries, which come into the British market on a footing of perfect equality with our own colonies. In stating this we are reciting facts, and not unfolding our own convictions and preferences, which would certainly favour the exclusion of slave-grown produce, not on the ground of protection to British colonial industry, but on that of a protest against injustice, and to keep ourselves clear as a nation from complicity with, or encouragement of, slavery.

But while the experiment of the abolition of slavery,—the greatest in some respects of modern times,—has thus succeeded, it has not had fair play. As we have seen, the very statesmen who carried the Abolition Act had not full faith in their own measure; and hence almost immediately



they began to lend an ear to the insidious proposals of the planters, and their powerful allies in London, to introduce servile labour into the West Indies and the Mauritius in another form, that of indentured Indian and Chinese coolies. It has needed the strenuous and persevering efforts of the anti-slavery party, to prevent this becoming an all but open slave-trade. The coolie question in all its bearings, including its effect on the interests of the native population, is a blot on our national humanity; and on the wisdom and justice of our Government. We have not the smallest doubt that it has greatly interfered with the success of emancipation, both socially, morally, and economically. The colonies of British Guiana are now mainly dependent on coolie labour. This dependence is not a consequence of emancipation, but of coolie importation. Many years ago a Guiana newspaper stated that as a cargo of coolies entered the colony an equal number of negroes "disappeared into the bush." Not that the negroes disappeared by their own will, but that, being displaced, they got their living elsewhere than on the sugar plantation, as they best could. The deception oppression and mortality caused by this mode of supplying labourers have been frightful.

In Mauritius the Indian coolies have displaced the emancipated population *en masse*; and with what result? The report of the recent Royal Commission shows that the coolies are subject to great oppression; that the measures devised for their protection are ineffective; and that the most unscrupulous means are employed to deprive those who have served out their term of their free agency, and to compel them to enter into fresh indentures. The police of this island seems to exist for the purpose of coercing and oppressing the labourers; and of intimidating and persecuting any who may dare to raise a voice in opposition to prevailing abuses. Notwithstanding the exposure in this official report, we do not learn that any improvement has taken place in the Mauritius. The Indian coolies there are a class who have no rights that can come into competition with the interests and prejudices of white planters.

If the whole results of coolie immigration, both in the West Indies and the Mauritius, as effecting human life, could be exhibited in a table of mortality, it would be perfectly appalling.

### THE COOLIE QUESTION IN JAMAICA.

In this island there is a large and increasing negro population; a population more than sufficient to meet all the de-

mands of the sugar estates for labour, on the condition of the labourers receiving fair wages, promptly paid, and decently civil treatment. We speak from personal knowledge in saying that when these are not wanting, the planter is much more likely to have too many labourers offering than too few. There are estates where these conditions do not exist; where the negro labourers are paid at intervals of a month or more, are then liable to arbitrary fines for alleged bad work, when the language used towards them is of the old pro-slavery type, and where the provision for the lodging of labourers, of both sexes, is such as to repel all who are not destitute of self-respect and moral feeling. On such estates the degraded aspect of the labourers presents little change from the palmy days of slavery. While we do not believe that all employers of coolie labour in Jamaica are connected with estates of which the management and arrangements are as just described, we distinctly assert that there is a surplus, and not a scarcity, of labour, wherever there is honest payment and kind treatment of the labourers.

#### ABUNDANT SUPPLY OF LABOUR.

The fact that wages have fallen to an average rate of a shilling a day for the agricultural labour of able-bodied men or women is proof that there is no scarcity of labour. The constant emigration of the strongest and ablest of the male negroes to Panama and the adjacent countries, in quest of work, is evidence of the same fact. The Panama railroad was mainly built by Jamaica negroes, who could not obtain leave to toil, at humble wages, in their own country.

#### COOLIE LABOUR THE MOST COSTLY.

Why, then, the constant pressure on the Government of the island, and on the Colonial Office, to promote coolie immigration? One main reason is to depress the current rate of wages by this artificially-created competition. Though the labour of the coolie is admittedly inferior to that of the negro, his labour costs the planter and the public together at least double; for sick or well the coolie must be supported or paid at not less than a shilling a day. To which must be added the cost of his importation, and the bounty of £12 sterling paid at the termination of his indentured term. Another and, we believe, stronger motive for the preference for coolie labour is that it is servile labour. The Indian has been induced, by means which we will not now stop to characterise, to enter in India into a contract, the terms and conditions of which he could not possibly understand; and under that contract he is for the time being the slave of the

planter. To the extent of the supply of coolies, the latter is exempt from the necessity of employing labourers who are free to make their own bargains. If the labourers of Jamaica were white, instead of black, the folly, iniquity, and injustice of permitting this artificial immigration of labourers from the other side of the world would be at once seen; and it would be simply inconceivable that any one should have the presumption to propose a tax on the native white labourers for a large part of the cost of this competing labour. Yet this is just what is done in the case of Jamaica.

#### EXPORT DUTIES DEVOTED TO IMMIGRATION FUND.

The export duty on produce is applied wholly to the immigration fund; and in addition it is now proposed to charge the general revenue with the payment of the £12 due to the coolie who has served his time. In a debate, on August 3rd, in the House of Lords, Earl Carnarvon, in reply to Lord Stanley of Alderley, defended the State support of coolie immigration, on the ground of "the great difficulties the West India planters had to encounter. One of these was *the great dearness of labour*, and another the great cheapness of sugar." The Colonial Secretary is quite wrong as to the price of labour; but if he had been correct his reasoning belongs to the time

when protection to special interests was as much recognised as it is now disowned by the Government of the country.

The sole and well-worn pretext for taxing the general revenue of Jamaica, which is mainly drawn from taxes on the food and clothing of the working classes, is that immigration contributes to the general prosperity, and that thus all classes are benefited. This we entirely deny, and maintain that it is an incubus on the prosperity of the island, and impedes its agricultural and commercial development. But if the facts were true, the inference would be fallacious. What would be the reply to the cotton or the iron industries of this country, if the capitalists embarked in them were to claim to have their labour supplied and cheapened at the expense of the State, on the ground of their large contributions to the general wealth of the country!

We would call particular attention to the correspondence on this subject, published in the last and present numbers of the *Anti-Slavery Reporter*, and especially to the facts so distinctly brought out by the Rev. Henry Clarke, rector of Savanna-la-Mar. Whatever changes for the better have taken place in the government of the island, and we have often gratefully referred to these, its administration is still guided in the interest, ill understood, of one class,—that of the sugar planters.

#### THE SUPPLY OF LABOUR AND THE AVERAGE RATE OF WAGES IN JAMAICA.

In the supplement to the *Jamaica Gazette*, dated July 8th, 1875, there is a table of the supply of labour, and average rates of wages. This is, of course, the report of employers and official persons. It is unreliable as regards *supply*—but as regards rates is no doubt pretty accurate—errring if at all in placing the figures too high:—

#### JAMAICA—FIELD LABOURERS.

Parish.	Supply.	Average Rate.
St. Andrews .....	Fair .....	9d. to 1s. 6d. per diem
St. Thomas .....	When regularly paid, good .....	1s. to 1s. 6d. "
Portland .....	Very bad .....	1s. 3d. "
St. Mary .....	Bad .....	9d. to 1s. "
St. Catherine .....	Very short .....	1s. 3d. to 2s. "
St. Ann ... ..	Enough, except in the Pimento season	{ Men, 1s. to 1s. 6d. "
		{ Women, 9d. "
Clarendon .....	Scarce .....	1s. to 2s. "
Manchester .....	Scarce .....	9d. to 1s. 6d. "
		{ Children, 6d. to 7½d. "
Trelawney .....	Very fluctuating .....	{ Women, 1s. "
		{ Men, 1s. 3d. "
St. James .....	Fair .....	1s. "
Hanover .....	Capricious .....	{ Men, 1s. "
		{ Women, 9d. "
		{ Men, 1s. to 2s. "
Westmoreland .....	Fluctuating .....	{ Women, 9d. to 1s. "
		{ Children, 3d. to 6d. "
St. Elizabeth .....	Fair .....	9d. to 1s. "

It appears quite evident that a very moderate increase on this extremely low rate of wages would command an abundant supply of labour in Jamaica where the increase of the working classes is very large.

MR. W. BANCROFT ESPEUT IN REPLY TO  
REV. HENRY CLARKE.

"Sir,—I had intended replying in detail to the extraordinary letter signed 'Henry Clarke,' published in yesterday's *Semi-Weekly Gleaner*, but what good can result from arguing with a writer who believes, or says he believes, that coolie immigrants in Jamaica are 'slaves,' 'wronged' and 'oppressed,' and who describes the Government as an organisation for robbing and oppressing the people of Jamaica for the benefit of the English merchants?

"The misstatements of Mr. Clarke that the Government gives £70,000 a-year to a score or two of planters; and that immigration cost the public £40,000 a-year, cannot be left uncontradicted, because it is barely possible that there are among your readers some so unacquainted with the facts that they might take the statement of the reverend gentleman as based on reliable information. Everyone, however, who knows anything at all about the matter, knows quite well that the public do not contribute a single farthing; and that the expenses of immigration are defrayed from loans, the interest and sinking funds of which are paid exclusively by the planters, and by no one else but them.

"Mr. Clarke states that the estates in Westmoreland pay, on the average, £30 a-year in taxes. He will excuse my denying this. On this estate, which is about the size of an average Westmoreland estate the taxes paid are £850 a-year, of which £95 are for general revenue, and the balance for immigration.

"The statement with which his letter commences is not less erroneous than his other statements. He says the planters stated that they could not pay the expenses of their estates. They never said any such thing. They did say, and must continue to say, that they cannot go on paying the entire cost of immigration, which, if it benefits them must also benefit every inhabitant of the island; and that every class must, with the planter, contribute towards the cost of the system in proportion to the benefits every class derives from it. Mr. Clarke's letter, from first to last, is based on false statistics; it is for all practical purposes utterly valueless, and it is now only contradicted by me in order that your readers may not think that it deserves any credit or consideration. The day has not yet, I hope, arrived when any one will be able to state, with a chance of its being believed, that coolies are 'wronged,' 'oppressed,' or treated as 'slaves' in Jamaica, or that the Hindoo can ever

occupy in Jamaica so miserable a position as he fills in India.

"I am, Sir,

"Your obedient Servant,

"W. BANCROFT ESPEUT.

"Spring Garden, Buff Bay, P.O.,

"5th May, 1875."

THE REV. HENRY CLARKE'S CRITICISM ON  
MR. ESPEUT'S REPLY.

"Sir,—Mr. W. Bancroft Espeut says, 'my letter, from first to last, is based on false statistics.' My reply is, that my statistics were all obtained from official sources.

"He denies that the estates in Westmoreland pay only £30 each on the average, in direct taxes. I arrived at that item by adding the sums paid by each estate in 1873, and dividing the amount (£731 11s. 6d.) by 25, the number of estates. The highest amount paid by any estate was £43, the lowest £16. The amount of the expenditure for coolies, of the Export Tax, and of the Capitation Payment, I took from the Public Estimates. These are all the statistics quoted in my letter. Will Mr. Espeut be kind enough to specify which of them is either false or erroneous? I cannot accept his declamation for argument, nor his assertion for proof. He denies that it was stated at the Convention that the planters could not afford to pay the expenses of their estates. I can only say that I quoted the *ipsissima verba* as reported in your columns.

"He repeats the assertion, which he has repeated so often, that he has probably come at last to believe it, that the public do not contribute a single farthing to the expenses of immigration. The facts are these,—for some years past immigration has cost about £70,000 a-year, of which £10,000 has been paid by the employers as capitation tax; £20,000 from export duties; £5,000 from the general revenue, and the balance by loans, raised not on mortgage of the estates of the persons receiving the loans, but on the credit of the public of Jamaica.

"The immigration revenue is confined to the capitation tax and the export duties, amounting to £30,000 a-year, out of which the Government undertakes the impossible task of paying the current expenses, and repaying all loans, with interest, within fifteen years. But the Government has no more right in justice to appropriate the Export Tax to the private uses of the planters, than it has to appropriate the Import Tax to the private uses of the merchants. All taxes of every kind belong to the public only. If the Export Tax were confined to the productions of coolie employers there might be some reason in their



claim to it; but as they pay it only as all other exporters pay it, the giving it to them for their private purpose is a misappropriation of public money.

"In truth, then, the employers of coolies pay only £10,000, or one-seventh part of the cost of immigration, and the remaining six-sevenths are paid out of the public revenue of Jamaica. Within the last few years the public debt of this island has been increased £150,000, not by roads or steamships, or railroads, or telegraphs, or for any undertakings of public advantage, but merely for the private gain of a small, wealthy, non-resident class. The old House of Assembly never did anything more corrupt than this.

"In another year coolie immigration must cease because there will be no money to pay for it, and as Mr. Espeut appears to have given much consideration to this subject, perhaps he will inform us how that little bill of £150,000, with interest, is then to be paid by the planters, without the public having to pay one farthing of it.

"I am, Sir,

"Your obedient Servant,

"HENRY CLARKE.

"29th May, 1875."

#### ANNEXATION OF NEW GUINEA.

OPINION OF A CLERGYMAN OF THE CHURCH OF ENGLAND.

*Victoria, August 9th, 1875.*

MY DEAR SIR,—Fiji is at present the centre of interest—the focus of the labour traffic. Sir A. H. Gordon has been well received there, and I hope that he will govern the country in an enlightened spirit, but I am very apprehensive that the views of the Colonial Office, which tend to foster and encourage the labour traffic, under the hope that it can be regulated, will hamper him in his administration of the Government.

A new movement has been set on foot, having for its object the annexation of New Guinea and the adjacent islands, and also for the annexation of the New Hebrides and Solomon Islands, &c. The Home Government wishes the Australian Colonies to take the initiative in the matter. It may be good policy to annex, but annexation implies colonisation, and colonisation, as carried out in practice, means—first, the spoliation; secondly, the corruption; thirdly, the extermination of the natives.

This is a hard thing to say, but "the inexorable logic of facts" declares it to be true.

If great Britain would govern the islands on enlightened principles great good might be done, but from annexation by Australian

colonists, may the good Lord deliver them.  
Yours faithfully,

*Joseph Cooper, Esq.*

#### EGYPT.

SYSTEM OF FORCED LABOUR—TAXATION OF THE POOR FOR THE EXPEDITIONARY RAIDS IN CENTRAL AFRICA.

THE continuance of slavery in Egypt and the cruelties and abominations of the harem system have often been exposed in our columns as a reason why Great Britain and the other civilised nations ought not to allow the extension of the rule of the Khedive, so long as slavery exists in Egypt.

But in addition to slavery the Egyptian Government, carry on a grinding system of forced labour which, for cruelty and heartless oppression, is probably not surpassed in wickedness in any part of the world.

We have recently learned with deep regret that one of the objects now contemplated is the conquest and annexation of Abyssinia, in addition to other parts of Africa, in which case Mohammedanism will be established and the harem system indefinitely extended.

We trust our excellent Foreign Secretary, Lord Derby, will not allow himself to be influenced by some Englishmen who are said to be supporters of the discreditable design.

The following is from a review in the *Times* of Lady Duff Gordon's last letters in Egypt. (Macmillan & Co., 1875.) We cordially recommend it to our readers:—

Lady Duff Gordon spent seven years in Egypt, from 1862 till her death in 1869, at Cairo and Luxor, or on the river, making friends with the natives wherever she went, admitted as no man could ever have been into their homes, and seeing the every-day life of all classes. "You alone, madame," said an Arab who had been educated in Paris, "you alone know our people, and understand what is going on. All Europeans see absolutely nothing but the outside. You alone have inspired the confidence which is necessary to learn the truth." "I won't write any politics," she says; "it is all too dreary." Yet we may learn from her book with how little justice the administration of Egypt is sometimes held up as an example to Turkey. It is true that the Khedive is more open to Western ideas than any other ruler who has as yet occupied a Mohammedan throne; but the activity of his mind has so far mainly led him to burden his country with costly armaments, to waste his resources

in speculations which might have been profitable had they been left to private enterprise, to listen to the schemes of impudent adventurers, to crowd his numerous palaces with costly European luxuries, and to attempt to turn Cairo into an Eastern Paris by subsidizing theatres and by building imitations of the Boulevards. What we still look forward to with hope is that it may lead him to introduce a less wasteful and oppressive method of taxation, to work his factories and plantations by paid instead of by forced labour, and to check the rapacity and venality of his officials. Again and again in Lady Duff Gordon's letters we find the same tale of misery and oppression.

"Everything is cheaper than last year, but there is no money to buy with, and the taxes have grown beyond bearing; as a 'fellah' said, 'a man can't sneeze without a canvass being ready to levy a tax on it.' The ha'porth of onions we buy in the market is taxed on the spot, and the fish which the man catches under my window. I paid a tax on buying charcoal, and another on having it weighed. People are terribly beaten to get last year's taxes out of them, which they have not the money to pay. . . . Our prison is full of men, and we send them their dinners in turns. The other day a woman went with a big wooden bowl on her head, full of what she had cooked for them, accompanied by her husband. A certain Effendi, a new vakeel here, was there and said, 'What dost thou here, thou —?' calling her by an opprobrious name. Her husband said, 'She is my wife, O Effendim!' Whereupon he was beaten till he fainted, and then there was a lamentation; they carried him down past my house, with a crowd of women all shrieking like mad creatures, especially his wife, who yelled and beat her head, and threw dust over it. '*More Majorum*,' as you may see in the tombs. Such are the humours of tax-gathering in this country. It is not a little hunger, it is the cruel oppression which maddens the people now. They never complained before, but now whole villages are deserted, and thousands have run away into the desert between this and Assouan."

The Metropolitan Board of Works, and other local bodies whose souls are vexed by exorbitant claims for compensation, may hear with envy how such things are managed at Cairo.

"My grocer is half ruined by the 'improvements' making '*à l'instar de Paris*.' The owners are expropriated, and there is an end of it. Only those who have half a house left are to be pitied, because they are forced to build a new front to the street on a Frankish model, which renders it uninhabitable to them and unsaleable."

But liability to forced labour is perhaps a greater obstacle to any improvement in the condition of the fellah than the ex-

cessive and unwise taxation. There is no sadder sight to be seen in Egypt than the gangs of children of both sexes painfully scraping out with their hands, or with ineffectual hoes, the silt of some canal, doing not more work than the men employed to beat them could do in the same time with proper tools. Their pitiful looks and unnatural earnestness—for the young Egyptian is usually full of mirth—awake gloomy thoughts. Lady Duff Gordon does not mention the forced labour of the children, which is so deadly because they are collected far from their villages in large herds, with insufficient food and shelter, and without any sanitary precautions, but she repeatedly points out how cruelly this odious custom weighs upon this adult population:—

"Let me describe the state of things. From the Moudeeriat of Kench only; 25,000 men are taken to work for 60 days without food or pay. Each man must take his own basket, and each third man a hoe, not a basket. From Luxor, only 220 men are gone, of whom a third will very likely die of exposure to the cold and misery. That is to say that this little village of at most 2,000 souls, male and female—we do not usually count women from decorum—will pay in labour at least £1,320 in 60 days. We have also already had 11 camels seized to go up to the Soudan. A camel is worth from £18 to £20. Remember this is the second levy of 220 men within six months, each for 60 days, as well as the second seizure of camels, besides the conscription, which serves the same purpose, as the soldiers work on the Basha's works. The little district of Kora, including Luxor, has been mulcted of camels, food for them, and drivers, to the amount of 6,000 purses last week—£18,000."

This system of forced labour, by which the sugar factories and plantations of the Khedive, as well as the construction of railways and other public works, are almost entirely carried on, is far more oppressive than the *corvées* of the Middle Ages. The villein only worked for his lord at certain fixed seasons, for a few days at a time, and close to his own hut and plot of ground. The fellah may at any season be dragged several hundred miles from his home, to labour under conditions often fatal to life, for from four to two months or even longer periods. No wonder that under such a system works of public utility progress but slowly. It may, perhaps, be said that these letters were written eight or ten years ago, and that since then many reforms have been introduced. But the taxes are levied in the old reckless and oppressive fashion. *The expeditions to central Africa drain the population not less than that to Crete.* "Well may she wail," said a native to a traveller who was watching an old peasant woman

mourning over her last remaining son, who had been seized for the conscription, "Well may she wail, for none return from the place whither he is going." How many lives, how much human misery, will the railway to the Soudan cost? It is true that Karnak and the Pyramids were probably not built otherwise; but we cannot wonder if the Arabs openly express the wish for European rule.

**LA SENTINELLE DE MAURICE ON LORD CARNARVON'S SPEECH IN RELATION TO THE IMPROVED CONDITION OF COOLIES IN THE MAURITIUS.**

WE quote the following article from *La Sentinelle de Maurice*, dated Sept. 16th, as a local comment on the speech of Lord Carnarvon in the House of Lords, in reply to questions put in that House concerning the treatment of coolies in Mauritius:—

"Planters and Coolies.—If it be true that the Secretary of State for the Colonies has made up his mind that the Report of the Royal Commissioners was an exaggeration of the miseries endured by the coolies in this Island; that they are better off here than in India; that on their return to their own country they carry with them large sums of money saved from the amount of wages they received on sugar estates; and has come to the conclusion, on those grounds, that immigration ought therefore to be continued; we regret that the manoeuvres of those interested to conceal the truth should have been so far successful. We lament the blindness that affects the sight of the noble Lord. Time will show that he has fallen into the snares of those persons who are not in the least scrupulous as to the truth of their words or writings. *We have to protest against the view he has taken of the Commissioners' Report, for being on the spot and in hourly communication with the coolies we are in a better position to judge of the impartiality of those gentlemen. Our experience teaches us that though the coolie in India only earns from 2d. to 4d. per diem, that small amount is equivalent to the five rupees he earns monthly in Mauritius. The value of money and provisions in India and this island taken into consideration, refutes the assertion that the coolies are better off here than in India. It is true that some old immigrants have made money by commerce and industries unconnected with sugar planting. Were a coolie at five rupees a month to save every farthing of his wages, he could at the end of his five years of compulsory labour accumulate more than 300 rupees; but when, from absence and other causes, deductions are made from his pay, that amount is necessarily diminished. The return made by the Acting Protector, of moneys taken by the coolies returning to India, is so made as to leave the impression on the mind of his Lordship that this saving is from wages only. The*

*original source of this gain is nowhere mentioned in any of his returns. Was this done purposely or accidentally? We cannot tell, but the omission has deceived the noble Lord. The conclusion he has arrived at, that immigration ought to be continued, is receiving a severe check from the very quarter that it was calculated would be advantaged by it. Our planters are withdrawing their demands for coolies, and before long all demands will cease from the fact that labourers are not required—there being more than a sufficiency on the spot. The planters now perceive that the old system of long engagement was as prejudicial to them as to the coolies, and they are trying a different course, more to their credit. They are fast adopting the free labour system, insensibly confirming the impartiality of the Royal Commissioners, and exposing to the public eye the deceptive manoeuvres of those who had succeeded in throwing dust into the eyes of Lord Carnarvon.*

"Between masters and labourers there is now a better understanding; but with regard to the connection of the coolies with the authorities much the same system reprobated by the Commissioners will continue to exist until the labour laws are amended."

**THE LATE COMMODORE GOODENOUGH.**

WE owe no apology to our friends for giving them the following letter, written by an officer of the *Pearl*, describing the death of the late Commodore Goodenough.

A few days before Captain Goodenough joined his ship for the Pacific, he called at this office for some information we were able to furnish, when it was our privilege to make his first and last acquaintance. Short as was the interview, it left on us an impression of no common kind. Soon after, on the occasion of a debate in the House of Commons on the annexation of Fiji, we heard his well-merited eulogy from the lips of Mr. Gladstone, and now in his heroic and Christian death, we have the impression fixed and deepened—*primarium fuisse virum*.

And what are the considerations for which, as in Bishop Patteson and Commodore Goodenough, England has sacrificed the noblest and the best of her sons? It must be sadly answered, to that unhappy tolerance of a traffic we first inaugurated in Queensland; which no "regulation" can make other than a slave-trade, and whose evil consequences wherever suppressed must long survive its extinction in the enmities it has inspired among the native Islanders.

"We proceeded to the main island of the group—Santa Cruz, by name—arriving on the 13th of August. We found that the anchorage was not so good as we expected,



so we coasted the island to find better, and, indeed, tried one place, but were obliged to weigh again, finding there was not room enough. We then returned to a bay on the north-east side, where we first wished to anchor, the Commodore deciding that he would leave the ship outside the reef, and communicate with the shore in the boats. He first started from the ship with a cutter and whaler, with as many officers and men as the boats could conveniently hold, all unarmed with the exception of a few revolvers; but as he neared the shore, seeing a large number of natives collected, he signalled to the ship for another cutter armed; which was at once sent, the arms being carefully hidden under the thwarts. When he got within speaking distance, he talked to the natives for a short time before landing, and afterwards on the beach. They seemed at that time quite friendly, but rather timid; but after a short time this wore off, and they became very anxious to induce the Commodore and several of the officers to go to a village about a mile off. This, it is now believed, was a stratagem to separate the party, and thereby to overpower and cut them all off. The Commodore and several of the party went with them; but their suspicion was aroused, most fortunately, by observing the natives gradually drawing themselves away from the party, and becoming unusually excited, both signs that they were being led into an ambush; so they turned back towards the boats. On arriving at the small village where the boats were, the two officers were standing talking to a group of natives, in the most friendly manner, when one of them, not five yards off, raised his bow and fired an arrow into the Commodore's side. It struck a rib, so did not penetrate; and, pulling it out, at once he ran to the boats, calling to the men in the armed boats to get their arms; but a great number of the natives followed them, firing flights of arrows, and before the arms could be reached the Commodore was again wounded in the head, a sub-Lieutenant, Hawker, in the shoulder, and five men—all severely. The armed boat opened fire as soon as possible to cover the embarkation, and killed two natives, the others drawing off. On the return of the boats we, who had been prevented by duty from landing, were hot for going in and taking it out of them; but the Commodore, with wonderful Christian forbearance, would not allow a native to be hurt; so we only went in and burnt the small village as a mark of displeasure, which, by the way, was no loss to them, as it was very dirty, and they can build it again in a few days. Every precaution that medical skill could suggest was used, and knowing, as every one in the ship did,

the great danger from the deadly poisons used on the arrows by all these islanders, the greatest anxiety prevailed. We started at once for Sydney, but in five days symptoms of tetanus became apparent in the Commodore's and two of the men's cases; and on the sixth day after the occurrence one of the men died, on the seventh the Commodore, and on the eighth the other man. The rest of the wounded are recovering. The Commodore, it appears, had studied the subject of tetanus—as, indeed, he had most things—and he knew the symptoms at once, and that he was doomed. So, when he felt that he must die, he sent for all the officers, and bid them a most touching farewell. He exhorted them to seek Christ, said he had always done so, and that now he died with perfect happiness. I cannot tell you all he said, but suffice it to say that it made the deepest impression; there was not one dry eye, literally, and that is much to say for a large number of naval men, who are, I think, harder than others, seeing death as they continually do. After seeing the officers in his cabin, for each of whom he had a loving word, showing how he had thought of each of them, although he never showed it, he made us carry him out on to the gundeck to say goodbye to the ship's company, though the surgeon said it would be a great risk; but he said, 'If I can only do good to the soul of the most insignificant one of the lot I will take the risk;' and I really believe that what he said will be forever remembered by many. The whole ship's company were in tears, old and young, most of them probably not having cried since they were children. He was loved by them all, and with good reason, as he was very kind to them. The officers watched by him night and day till he died. He bore the fearful pain wonderfully, never even groaning, and smilingly apologised to the officers for giving so much trouble. The weather being cold, we were able to preserve the body till we arrived at Sydney, which seemed a great consolation to Mrs. Goodenough. She bore her great loss resignedly. The C.B. only arrived by last mail, too late for the Commodore to hear of its arrival; but he wants nothing from any Government now, thank God! He is happier than any honour on earth could make him. His was a glorious end to a noble life, doing good to the last."

"Humanus" writes to the *Times* from Netley:—"I venture to address you on the act of devotedness recorded in the last *Gazette*, relative to Mr. William W. Perry, R.N., secretary to the late Commodore Goodenough. It proves, in my idea, that the traditional heroism of the Navy is not yet extinct. The Admiralty have testified

their appreciation of his conduct by promoting him to the rank of Paymaster ; but while the Albert Medal and other distinctions are freely given for saving life from drowning, I may ask is there no means of doing honour to a man who risks losing his life by a terrible experiment to save that of his chief other than by giving him a step in rank which he had already earned by his zeal and aptitude for and in his profession ?”

“The following is an extract from the *London Gazette* of the 19th of October :— ‘He (Mr. Perry), at considerable risk to himself, having at the time a sore in his mouth, sucked the Commodore’s wound, in the hope of extracting any poison which might have been left by the arrow.’”—*Times*, Oct. 26.

### ANOTHER VICTIM OF SOUTH SEA LABOUR TRAFFIC.

#### COMMODORE GOODENOUGH AND KIDNAPPING.

THERE are many among our readers who doubtless ask the question, How long are valuable lives to be sacrificed amongst the South Sea Islands? and they may well wonder how it is that massacres so often occur, especially among the group of New Hebrides.

To those who know the savage code of “payment,” i.e., a life for a life, similar in point of fact with the Levitical code of “an eye for an eye and a tooth for a tooth,” that exists among the Islands of the Pacific, will see it is hopeless to suppose that the natives will all at once forego a system that is interwoven with, and inseparable from, their very existence. Of course in those islands where the missionaries have been at work, there have been noble exceptions to that primeval law, and where the beneficent teaching of the Gospel has taught them that another and milder code has been enforced by Him who came not “to destroy men’s lives, but to save them.” Lord Pembroke and Dr. Kingsley would have us think otherwise ; and we were alike pained and surprised at a whole chapter in “South Sea Bubbles” being devoted to the abuse of missionaries, as from personal experience we can testify that these men would never have set foot on many of the islands they visited in their yacht, but for the influence of the very men they so much despise.

The late Commodore Goodenough has fallen a victim to this code of revenge, or “payment.” We do not go into rhapsodies or indulge in high-flown or fulsome compliment on the merits of this able officer ; but we know that he fell as a gallant gentleman should do, *doing his duty*, and no sailor can

wish a better epitaph. As far as we can learn, he had been investigating the circumstances under which H.M. schooner *Sandfly* had been fired on by the natives last year, and was doubtless attempting through an interpreter to gain some clue as to the reason. It will be remembered that H.M.S. *Rosario* shelled the village of Ugakapu after having vainly endeavoured to get even a hearing, her commander, Captain Markham, not being permitted to land. She was the first man-of-war that was sent up to inquire into the murder of Bishop Patteson, and to find out if possible the cause.

The true cause was, however, well known to those versed in the *utu* of the Malay race. Bishop Patteson fell a victim to the so-called labour traffic ; as we have evidence that a schooner had but a few days before been at the island of Santa Cruz, firing on the people and endeavouring, with what success we know not, to kidnap them. We believe Commodore Goodenough also fell a victim to the same code of revenge, which has been unfortunately fostered and kept alive. No one who knows these people will believe that the natives killed by the *Rosario*’s and *Sandfly*’s shells will go unavenged. No, their tribe will have “payment,” and cannot discriminate between friend and foe.

If proper precaution had been taken, knowing these facts, and the *Pearl* had exercised at a target laid out along the reef, and showed the natives the deadly shower of iron she and her boats could have rained upon them if necessary, in all human probability this sad event would never have happened.

So long as men, women and children, are dragged away from their islands by the white traders, and sent away to Queensland, New Caledonia, and Fiji, so long will the natives take innocent lives in return as “payment.” So long as infant colonies are allowed to run before they can walk, and are permitted to escape from the wholesome leading-strings of a Crown Colony, and jump at once into responsible government, and play at parliaments, &c.—so long will these deeds of blood be perpetuated : for be it known that the Queensland Labour Act of 1866 remains yet unrepealed ; and it is theegis of official sanction that has been thrown over the kidnapper which thus enables him to go about his deeds of violence almost unchecked.

It must again and again be most distinctly reiterated that the islanders understand nothing about contracts, notwithstanding the nonsense Mr. Anthony Trollope has written about it ; but as he was the guest of a near relative, a Queensland planter, during his stay in that country, it follows that he took a Queensland

view of the subject. Mr. Anthony Trollope follows the lead of "The Earl and the Doctor," and to this day persists in calling the naked, emaciated wretches, released by Captain Palmer in the *Rosario*, "labourers" who had been duly "hired by contract," &c., while all the time these gentlemen know, or ought to know, that Mr. Thurston, the acting Consul, searched in vain all over the Fijis for an interpreter, for there was none on board the *Daphne*; and when, months after, one was procured, it turned out what everybody who was not prejudiced suspected—viz., that all had been kidnapped. One batch had contrived for a time to effect their escape with a boat before Captain Palmer took the vessel, but had been recaptured, kidnapped twice over; and yet these were held up by a popular writer as specimens of *free imported labour*. To say that natives dragged forcibly, or seduced by false pretences, on board a ship, and carried away hundreds of miles to work for two or three years on plantations, is not slavery, is as absurd as it is untrue.

There is only one remedy, and that is, for all civilised Governments to "put their foot down" upon kidnapping, and to proclaim it PIRACY; then let a royal proclamation, translated into the various languages and dialects of the different groups, be widely distributed and publicly read, thus letting the islanders know that they will be protected. We must employ gunboats, instead of useless sailing schooners, in conjunction with the French cruisers from New Caledonia, to mete out justice alike to all, and very soon these retaliations will cease; and the lives, whether those of the legitimate traders for cocoa-nut oil, *bêche-de-mer*, or sandal-wood, or those of the natives of these beautiful islands, will be at least as secure as life is in our own Black country.—*The Navy*.

#### LANDING CHINESE AT COOK-TOWN, QUEENSLAND.

(From the "Illustrated New Zealand Herald.")

AN old resident of Victoria, writing from Cooktown, thus describes the scene:—"On Saturday two northern steamers came into this port—the *Singapore* and the *Adria*—and within twenty-four hours landed 820 Chinamen from Hong Kong. The excitement was intense, and the landing of them was still more so, as they were landed in small boats, the steamer lying out about two miles. Both Chinamen and their luggage were bundled out into the water, and left to wade ashore as best they could. They were to be pitied, but the old salts did not show the slightest compassion, notwithstanding that they had

brought them. The landing occupied from five, p.m. until two o'clock next morning. There were some terrific fights with bamboo sticks and stones for about two hours in the morning. The Chinese have cleared nearly all the stores of picks and shovels, and are causing a great stir in the place. About 1,500 more are shortly expected here."

#### ADMINISTRATION OF JUSTICE IN JAMAICA.

WE find the following in the Jamaica *Budget* of August 10th:—

"Our contemporary of the *Falmouth Post* gives an account of an inquest held at Duncans, on the 4th instant, before Judge Roper, on the death of one Stephen Henry, who fell into a syphon of warm liquor at Georgia estate a few weeks ago. 'The evidence went to show that, on the night of the unfortunate occurrence, Mr. Baylis, the housekeeper on the property, had a little dog with him with which he was teasing the deceased; that the deceased in running away from the bookkeeper, to prevent the dog seizing him, missed his step and fell into the syphon which then contained warm liquor, and was severely scalded, from the effects of which he died shortly after. It was also shown by the witnesses, that it was customary for the bookkeeper and deceased, who were always on good terms, to sport in the manner above stated. At the conclusion of the evidence the judge summed up, and the jury, composed of the more ignorant class of persons in Duncans, returned a verdict of manslaughter against Mr. Baylis. The jury said they were influenced in their verdict by the judge telling them of a case in which a boy was convicted of manslaughter for having taken the linch-pin from a cart, whereby the cart got upset and caused the death of the driver.' The circumstance will, no doubt, occasion much anxiety to Mr. Baylis, but we do not think the case one in which the Law Officers of the Crown will deem it necessary to take any further proceedings."

It seems it is not the unfortunate victim, but the individual causing his death, for whom sympathy is claimed. On the face of the account, the occurrence is one that in this country would demand and receive further investigation. Perhaps the best comment on the case is supplied by an article in the *Budget*, of Sep. 9th. which, in the course of remarks on the sentence passed on Colonel Baker, observes:—"The case of Col. Baker is not the first or the only one afforded in modern English history, in which all considerations have been set aside where the majesty of the law is to be upheld. Even poor and obscure



Jamaica has its lessons to learn in this matter. There are even now unpleasant reminiscences that might be awakened, but that they might cause to bleed afresh wounds that have been partially healed. *Here, it is not the offence, but the man. The ignorant and debased are punished every day, and the general complaint is that the laws are not cruel enough—the whip must be introduced; but when people of the better class commit themselves, society begrudges them that even-handed justice, because a pang is inflicted to see one of its own body fall from his high estate.*

We have put the last few lines in italics.

### MR. J. A. FROUDE ON COLONIAL POLICY.

GENTLEMEN,—Last Saturday a complimentary banquet was given at the Westminster Palace Hotel to Mr. J. A. Froude, on his return from a tour in South Africa, which afforded an opportunity to that gentleman to give currency to his views on colonial policy. Mr. Froude is a brilliant writer, but, like another great master of sentences (Mr. Carlyle), he is an ardent worshipper of the "god of forces."

It is always suspicious when a man tells the public, "no one hated slavery more than he does." For many years this formula has done duty by way of introduction to pro-slavery utterances more or less disguised. Mr. Froude laments the position of the white inhabitants of Natal and other South African colonies, in possessing so fine a country, without what is euphoniously termed "labour." He eulogises the Free States as having settled, humanely and after a statesmanlike fashion, the problem of white and black races living together. As an example of what should be done, he cited the case of the Free States, where, "without being cruelly treated, the blacks were not allowed to squat on the public lands; their places of residence had to be registered, and they paid rent. There was no forced labour, but the blacks were obliged to earn their living in their own way, under the regulations of a stringent Contract Act and a Vagrant Act. It would be impossible to get the native question into a tolerable condition until one system was in force all over South Africa." (The italics are mine.)

It is well known that the two small Dutch Republics known as the Free States were founded by men who left the Cape Colony through disgust at the abolition of slavery in 1838, and went further back

into the interior, where they formed pro-slavery States; and that their career since has been one of outrage and kidnapping upon the surrounding native tribes. It is also not forgotten that one of the early missionary settlements of Dr. Livingstone was uprooted and destroyed by these Dutch-African farmers; and that this event gave a stimulus to his determination to explore the interior of the continent.

These are the States and the colonists that Mr. Froude holds up for our imitation, and whose method of dealing with the natives he wishes to extend throughout the vast British possession in South Africa—converting the soil of the country into "public lands," and putting the natives under stringent Contract Act and vagrant law, the contract being anything but what its name implies—a mutual agreement.

In one part of his speech Mr. Froude appears to say that he desires nothing more than that the two races—the white and the black—should be put on the same footing before the law. But he only means that he would, if possible, prevent a black man multiplying wives, and so living upon their labour;—a most desirable object, but one to be gained through the missionary rather than the police-officer. Nothing, it is evident, is further from Mr. Froude's views of public policy than to leave the black man free to possess and use the soil of his native country, and to sell his labour on his own terms, or not to sell it at all, if he so pleases, to the white planter.

There is a kind of superstition widely prevalent about the rights of capital to be supplied, when it pleases to emigrate to new and less civilised countries with what is called "labour," i.e., with the power, by some means or other, of obtaining the labour of the native races on terms and conditions fixed by the foreign and more civilised race. In the view of men like Mr. Froude, the vast extent and great fertility of a new country are almost a grievance, if the means are withheld of obtaining labour by some form of coercion more or less disguised, and thus of enabling the white settler to grasp at speedy riches and large possessions.

Mr. Froude's speech will deepen the impression produced by his able but thoroughly mischievous book on Ireland, that the British public and British statesmen could not lend their ears to a more unsafe adviser.

I am, yours truly,  
T. H.

Leeds, March 23rd, 1875.

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